

I. PUBLIC PARTICIPATION

The scoping process and public participation program for the East County (ECO) Substation, Tule Wind, and Energia Sierra Juarez (ESJ) Gen-Tie projects are described in this section. To collect agency and public input for the environmental review process associated with the three projects, the California Public Utilities Commission (CPUC) and Bureau of Land Management (BLM) administered a public notice and participation program. Although the public scoping requirements of the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) differ slightly, the requirements are intended to initiate the public scoping process for the environmental impact report/environmental impact statement (EIR/EIS) preparation; provide information about the ECO Substation, Tule Wind, and ESJ Gen-Tie projects; and solicit information (comments from affected public agencies, governmental representatives, tribal representatives, and the public) that will be helpful in the environmental review process.

I.1 Public Scoping Process

The EIR/EIS scoping process consisted of four elements, each of which is described in more detail subsequently in this section:

1. Publication of a Notice of Preparation (NOP) and Notice of Intent (NOI) of a joint EIR/EIS, which included a Notice of Public Scoping Meeting seeking comments from the public and affected public agencies, as required by CEQA and NEPA.
2. Public scoping meetings and meetings with agencies (January 27 and 28, 2010)
3. Summary of scoping comments in a comprehensive Scoping Report (March 24, 2010)
4. Follow-up consultation with affected agencies (February 16, April 7, and May 6, 2010).

The scoping process provides an opportunity for governmental agencies and the public to provide comments on the issues and scope of the EIR/EIS. Written comments received during the scoping process become part of the public record and are reviewed and considered by the CPUC and BLM in preparing the EIR/EIS.

I.1.1 Notice of Preparation/Notice of Intent

The CPUC issued the NOP of a joint EIR/EIS for the proposed ECO Substation, Tule Wind, and ESJ Gen-Tie projects on December 28, 2009. The NOP was distributed to the state clearinghouse; federal, state, regional, and local governmental and public agencies; elected officials of areas affected by the proposed project; and the general public. Over 170 copies of the NOP were mailed by the CPUC to stakeholders, including 15 copies to the state clearinghouse,

as well as copies to 23 federal agencies, 24 state agencies, 8 county agencies, 29 local agencies (including 3 libraries), 38 local organizations/stakeholders, and 34 Native American groups. A copy of the NOP was made available at three local repositories, including the County of San Diego Jacumba, Potrero, and Campo-Morena Village branch libraries.

In addition, a public notice was published in the San Diego Union-Tribune on December 28, 2009, and in the January 2010 edition of the Back Country Messenger, and was distributed to more than 1,500 identified property owners within a 2-mile radius of the ECO Substation, Tule Wind, and ESJ Gen-Tie projects on December 23, 2009. The 45-day public scoping period extended from the date of NOP issuance to February 10, 2010, as required by CEQA.

The BLM published the Notice of Intent (NOI) to prepare an EIS for the Proposed Tule Wind Project and the Proposed ECO Substation Project on December 29, 2009, in the Federal Register. A Notice of Public Scoping Meeting was mailed to federal, state, regional, and local agencies, elected officials of areas affected by the proposed projects, and the general public. BLM also issued a press release regarding the NOI on December 29, 2009. Copies of the NOI were made available at the BLM's California Desert District (CDD) office in Moreno Valley and at the BLM's California State Office in Sacramento. The comment period extended from the date of NOI publication to February 12, 2010.

The NOP, NOI, and public notice were also made available to the public on the CPUC's website for the ECO Substation Project at:

<http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm>

As well as the BLM's website for the Tule Wind Project at:

<http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html>

I.1.2 Public Scoping Meetings

The CPUC and the BLM conducted two public scoping meetings: one on January 27, 2010, starting at 7:00 p.m. at the Jacumba Highland Center (44681 Old Highway 80, Jacumba, CA 91934), and the second on January 28, 2010, at 7:00 p.m. at the Boulevard Volunteer Fire Department (39223 Highway 94, Boulevard, CA 91905). The public scoping meetings were conducted to gather comments from the public regarding the scope of the EIR/EIS and for alternatives and potential mitigation measures to be considered. Court reporters were hired to record the meeting proceedings during which 37 members of the public spoke. In addition, live Spanish translation services were offered at the scoping meetings. Section I.1.3, Scoping Report, provides additional information on comments recorded in the official record.

Approximately 70 and 100 persons attended the scoping meetings in Jacumba and Boulevard, respectively, including representatives from local and state agencies, organizations, and private citizens.

I.1.3 Scoping Report

In March 2010, a comprehensive Scoping Report was published summarizing concerns received from the public and various agencies, which also included copies of comment letters received. In total, 60 letters were received: 24 from federal, state, and local agencies and organizations; 35 from individuals; and 1 from the Campo Band of Mission Indians during the NOP/NOI scoping period. Comments received through March 7, 2010, are included in the project Scoping Report.

The Scoping Report was posted on the CPUC website at:

<http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm> on March 24, 2010

As well as on the BLM project website at <http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html> on April 30, 2010.

The following summarizes the scoping comments received from federal, state, and local agencies, local planning groups, private and public organizations, and the general public. The Scoping Report is based on both written and verbal comments that were received during the NOP/NOI public scoping period and from the project scoping meetings held in Jacumba on January 27, 2010, and Boulevard on January 28, 2010. A number of environmental concerns were raised during the public scoping process, which focused on the project's potential effects in several environmental categories. Specific topics raised during the public scoping process are summarized below:

Project Description

A commenter noted that the EIR/EIS should clearly define the purpose and need for all three projects. Also, the purpose of the ESJ Gen-Tie Project should be clarified if it would be solely used for renewable energy from Baja California, Mexico.

Regarding operations and maintenance of the facilities, several commenters expressed concern regarding the reliability of energy production and transmission, specifically during catastrophic events such as wildfires, seismic activity in the region, lightning strikes, and high winds that may stop operation of the wind turbines. In addition, a commenter expressed concern regarding the efficiency of the amount of energy produced from wind farm developments.

Human Environment Issues

Public and agency comments raised concerns regarding the potential impacts of the Proposed PROJECT on the human environment, most often expressing concerns with the following key issues:

- Visual and aesthetic impacts of the wind turbine towers and associated aboveground transmission lines
- Increased risk of wildfire hazards due to the introduction of industrial wind turbines, new transmission lines, substations, and transformers
- Direct and indirect impacts on the recreational uses and to wilderness and environmentally sensitive areas in the project vicinity
- Increased public access resulting in increased fire danger, invasive species distribution, vandalism, and disruption of habitat in remote natural resource areas
- Conflict with the rural community character and the designated recreational and wilderness land uses in the project area
- Construction and operations noise due to: (1) helicopter noise during construction and maintenance activities, (2) operation of the proposed wind turbines, (3) emergency generators, and (4) noise and vibration effects of required blasting
- Potential health effects associated with electric and magnetic fields (EMFs) and potential public safety concerns due to the use of hazardous materials during construction and operation and the potential collapse of turbines.

Additional human environment concerns expressed include how the Proposed PROJECT could restrict the acreage available for farming, as well as its effect on cultural and historic resources, the local economy, public services and utilities, and local roads.

Natural Environment Issues

The key natural environment concern expressed was how the project would affect the biological resources in the area. Issues raised by the public and responsible agencies included potential direct, indirect, and cumulative impacts on both plant and wildlife special-status species known to occur in the region. Other natural environmental concerns dealt with air quality, hydrology, and water quality impacts.

Indirect and Cumulative Impacts

Commenters indicated that the environmental analysis should provide context for understanding the magnitude of project-related impacts by cumulatively considering the environmental effects

of other proposed energy projects in the region, in addition to all past, present, and reasonably foreseeable projects or actions within the geographic range of the project area.

Project Alternatives

Commenters expressed the need for the environmental analysis to include a full and comprehensive range of alternatives that reduce identified impacts. Suggestions from commenters regarding specific alternatives included distributed generation (DG); use of existing transmission lines in Baja California, Mexico; upgrading existing transmission lines in the U.S.; undergrounding proposed transmission lines; alternative transmission routes; alternative sites and configurations; conservation or decreased demand; and alternative technologies, including solar, combined wind and solar, nuclear, or other energy generators that achieve a majority of project objectives.

EIR/EIS Administrative and Permitting Issues

Commenters indicated that the project should analyze the consistency of the project with state and local agencies and conduct joint environmental review with all responsible agencies. All required permits should be listed and discussed.

Refer to the Scoping Report for NOP comment letters received and written comments provided during the scoping meetings.

I.1.4 Follow-Up Agency Consultation

On February 16, 2010, CPUC and BLM staff, the EIR/EIS project team, and the applicants as well as their environmental teams, met with responsible and resource agencies to discuss the status of biological resource surveys being conducted for the ECO Substation and Tule Wind projects. On April 7, 2010, CPUC and BLM staff as well as the EIR/EIS project team met with responsible and resource agencies to discuss project alternatives. The purpose of the meeting was to review the methodology and approach used in screening project alternatives. On May 6, 2010, CPUC and BLM staff, the EIR/EIS project team, and the Tule Wind project applicant and their environmental team met with the resource agencies to review the initial results of the biological resources technical report prepared for the Tule Wind Project.

I.2 Public Notice and Participation

This section summarizes the CPUC's and BLM's program of public notice and participation to maximize agency and public input on the Proposed PROJECT. It consisted of three elements: public notification, public review period, and EIR/EIS information and repository sites.

I.2.1 Public Notification

As described in Section I.1.1, the NOP and public notice was mailed on December 28, 2009, to the state clearinghouse and federal, state, and local trustee agencies that may be affected by the Proposed PROJECT, as well as agencies previously requesting notice in writing to the CPUC. The NOI was published in the Federal Register on December 29, 2009, at which time a press release was also published regarding the NOI. An NOA of the EIR/EIS will be sent to property owners within a 2-mile radius of the Proposed PROJECT at the time the EIR/EIS is released. The notice will include information about how to access the EIR/EIS and will identify the environmentally superior alternative(s) and the dates and times and locations of any CPUC/BLM informational workshop(s), as well as the CPUC's public participation hearings.

I.2.2 Public Review Period

In compliance with the California Public Resources Code Section 21091(a), CEQA Guidelines Section 15105(a) (14 CCR 15000 et seq.), and 40 CFR 1506.6, the CPUC and BLM provided a public review period of 45 days for the EIR/EIS. To initiate the Draft EIR/EIS public review period, the BLM also published the NOA for the Draft EIS in the Federal Register. The Draft EIR/EIS was distributed as follows:

- A Notice of Completion (NOC) was sent the state clearinghouse and a public NOA was sent to interested parties specifying dates for the comment period
- An NOA was published in the Federal Register specifying dates for the comment period
- The Draft EIR/EIS was distributed to interested parties identified in the EIR/EIS mailing list and also made available via the Internet.

I.2.3 EIR/EIS Information and Repository Sites

The repository sites listed below are where citizens may view the EIR/EIS and make copies:

- Jacumba Public Library, located at 44605 Old Highway 80, Jacumba, CA 91934
- Campo-Morena Village Branch Library, located at 31356 Highway 94, Campo, CA 91906
- Potrero Branch Library, located at 24883 Potrero Valley Road, Potrero, CA 91963
- Dudek offices, located at 605 Third Street, Encinitas, CA 92024
- BLM CDD Office, located at 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553-9046

- BLM El Centro Field Office, located at 1661 S. 4th Street, El Centro CA 92243
- BLM's California State Office, located at 2800 Cottage Way, Sacramento, CA 95825.

In addition, documents related to the Proposed PROJECT and the EIR/EIS have been made available on the CPUC's and BLM's project websites at:

http://www.cpuc.ca.gov/environment/info/dudek/sngs/SNGS_Home.htm

<http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html>.

I.3 Distribution of the EIS/EIR

I.3.1 Draft EIR/EIS Distribution

The Draft EIR/EIS public review period was initiated through submittal of an NOC with the Governor's Office of Planning and Research (State Clearinghouse) and publication of the NOA in the Federal Register. The NOC and NOA specified dates for the official public review and comment period.

The lead agencies published their respective news releases identifying the date, time, and location of where the document was available for review and how to provide comments during the public review period.

The Draft EIR/EIS was made available via the Internet and was also distributed to responsible agencies and interested parties who requested to be included on the mailing list during and after the public scoping period.

I.3.2 Final EIR/EIS Preparation and Distribution

All written and oral comments received from public agencies and interested parties during the Draft EIR/EIS public review period will be reviewed and evaluated by the lead agencies. Individual responses and modifications to the Draft EIR/EIS will be prepared as necessary to any substantive comments received. The Final EIR/EIS will consist of:

- The Draft EIR/EIS and revisions in response to any substantive public comments
- Comments and recommendations received on the Draft EIR/EIS either verbatim or in summary
- A list of persons, organizations, and public agencies commenting on the Draft EIR/EIS
- The responses of the lead agencies to significant environmental points raised in the review and consultation process.

After the Final EIR/EIS is completed, the CPUC will make a final decision for the ECO Substation Project. For NEPA, following a 30-day Protest Period and concurrent 30-day Governor's Review, the BLM will resolve valid protests and prepare two separate Records of Decision (one for the ECO Substation and one for the Tule Wind Project). The NOAs for the two Records of Decision will be announced in the Federal Register.

Responsible agencies, including the County of San Diego, California State Lands Commission, Bureau of Indian Affairs, and Ewiiapaayp Band Kumeyaay Indians will also use the EIR/EIS for their permitting processes. Following certification of the EIR/EIS by the CPUC, the County of San Diego will use the EIR/EIS for their discretionary action under CEQA in their consideration of issuing the major use permits (Major Impact Service Utility) for the Tule Wind and ESJ Gen-Tie projects, as portions of those projects are within their jurisdiction. The County Planning Commission will make the final decision in considering and issuing the major use permits. Since portions of the Tule Wind Project will occur on lands under the jurisdiction of the California State Lands Commission and the Bureau of Indian Affairs, they will use the EIR/EIS for consideration of their required discretionary actions, as will responsible resource agencies.

I.4 Consultation with Agencies

I.4.1 Federal, State, and Local Agencies

The following federal and state agencies were consulted and/or commented during preparation of the EIR/EIS:

- Bureau of Indian Affairs
- California Department of Fish and Game, South Coast Region
- California Department of Parks and Recreation
- California State Lands Commission
- California State Water Resources Control Board
- California Wind Energy Association
- Department of Defense
- Department of Homeland Security
- Department of Public Health
- Department of State, Office of Environmental Policy, Bureau of Oceans and International Environmental and Scientific Affairs
- Federal Aviation Administration

- Federal Energy Regulatory Commission, Office of Energy Projects
- Governor's Office of Planning and Research
- Office of Historic Preservation
- International Boundary and Water Commission United States and Mexico
- U.S. Border Patrol
- U.S. Department of Agriculture Forest Service
- U.S. Department of Energy
- U.S. Department of the Interior
- U.S. Environmental Protection Agency
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service.

In addition, the following local agencies were consulted and/or commented during preparation of the EIR/EIS:

- Alpine Mountain Empire Chamber of Commerce
- Boulevard Fire Department
- CalFire Campo Battalion
- CalFire McCain Valley Camp
- CalFire San Diego Unit
- Campo Fire Department
- County of San Diego, Department of Planning and Land Use
- Jacumba Community Services District
- Jacumba Rural Fire Protection District
- Lake Morena Village Council
- Mountain Empire Unified School District
- San Diego County Board of Supervisors
- San Diego Rural Fire Protection District
- San Diego Sheriff, Mountain Empire Station.

I.4.2 Non-Governmental Organizations

The following non-governmental organizations were consulted and/or commented during preparation of the EIR/EIS:

- Alpine Community Planning Group
- Anza-Borrego Foundation
- Back Country Coalition
- Backcountry Against Dumps
- Boulevard Community Planning Group
- Border Power Plant Working Group
- California Center for Sustainable Energy
- Campo Lake Morena Business Association
- Campo Lake Morena Community Planning Group
- Committee for Responsible Growth
- Crest Dehasa Community Planning Group
- Descanso Community Planning Group
- ENTRIX
- Energia Sierra Juarez U.S. Transmission, LLC
- Iberdrola Renewables, Inc.
- JAM Investments, Inc.
- Jacumba Community Sponsor Group
- Jamul Dulzura Community Planning Group
- Lakeside Community Planning Group
- Law Offices of Stephan C. Volker (On behalf of Backcountry Against Dumps, The Protect Our Communities Foundation, East County Community Coalition, and Donna Tisdale)
- Mountain Empire Resources Information Task Force
- Mountain Health and Community Services
- Nature Conservancy
- Off-Road Business Associations, Inc

- Pine Valley Community Planning Group
- Potrero Community Planning Group
- Powers Engineering
- Protect Our Communities Foundation
- Rural Economic Action League
- Rasayana
- San Diego County Archaeological Society
- San Diego Gas and Electric
- San Diego-Imperial Counties Labor Council
- San Diego Audubon Society
- San Diego Renewable Energy Society
- Save Our Rural Environment
- Sempra/ESJ
- Sierra Club San Diego
- South County Economic Development Council
- Tecate Community Sponsor Group.

I.4.3 Native American Tribes

The following Native American tribes were consulted and or provided comment during preparation of the EIR/EIS:

- Campo Band of Kumeyaay Indians
- Ewiiapaayp Band Kumeyaay Indians
- La Posta Band of Mission Indians
- Manzanita Band of the Kumeyaay Nation
- Quechan Indian Tribe
- Viejas Band of Kumeyaay Indians
- Kwaaymii Laguna Band of Mission Indians
- Barona Group of the Capitan Grande

- Sycuan Band of the Kumeyaay Nation
- Santa Ysabel Band of Diegueno Indians
- Mesa Grande Band of Mission Indians
- Manzanita Band of the Kumeyaay Nation
- Ah-Mut-Pipa Foundation.

I.5 References

14 CCR 15000–15387 and Appendix A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

40 CFR 1500–1518. Protection of Environment; Chapter V: Council on Environmental Quality.

California Public Resources Code, Sections 21000–21177. California Environmental Quality Act, as amended.