



IBERDROLA RENEWABLES

March 4, 2011

Iain Fisher
CEQA Project Manager
Energy Division
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024

Greg Thomsen
U.S. Bureau of Land Management
Program Manager
c/o Dudek
605 Third Street
Encinitas, California 92024

Re: Comments of Iberdrola Renewables, Inc. regarding the Tule Wind Project Draft DEIR/DEIS– Modified Project Layout

Dear Messrs. Fisher and Thomsen,

Tule Wind, LLC, a wholly owned subsidiary of Iberdrola Renewables, Inc. (IRI), submits this letter to summarize proposed minor modifications to the Tule Wind Project since the project was submitted to you with IRI's Applicant Environmental Document (AED) in September of 2010. Submitted herewith is a modified project layout in GIS format and other information, such as recently completed surveys and technical studies that have been revised based upon the Tule Wind Modified Project Layout. Enclosed with this letter are specific suggested edits to the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in "track changes" format to help facilitate incorporation of the minor changes resulting from the Modified Project Layout into the Final EIR/EIS as the applicant's proposed project. IRI submits this information to the Lead Agencies to supplement IRI's comments on the Draft EIR/EIS for the Tule Wind Project submitted under separate cover.

Modified Project Layout – Background

IRI is proposing minor modifications to portions of the Tule Wind Project facilities. Attachment A includes Figures 1 and 2 that graphically depict the modified project layout and the limited differences between the project layout analyzed in the Draft EIR/EIS and the modified project layout, respectively. The changes to the proposed project make minor adjustments to avoid resources and reduce the project's overall environmental impacts. Table A, *Key Project Components by Jurisdiction*, identifies the project modifications related to primary project features (turbines, transmission line, and access roads). Table B, *Project Components*, identifies a comparison of the change in impacts between all project

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components. For example, the modified project layout proposes a maximum of 128 turbines, which is six (6) fewer turbines than were analyzed in the Draft EIR/EIS, and a resultant decrease of approximately 17 acres in permanent impacts. In addition, the modified project layout proposes a substantial reduction in the number of new access roads and improvements to existing roads compared to the project layout analyzed in the Draft EIR/EIS. As noted in Table B, the modified project layout reduces the number of improved new access roads from 114 to 75, and existing roads from 23 to 15 as opposed to 114 new roads and improvements to 23. This a reduction of 3.4 miles and 12.4 acres of permanent impacts as compared to the project layout analyzed in the Draft EIR/EIS. Other summary and project comparison (Draft EIR/EIS project layout vs. modified project layout) information attached includes: Table C – *Jurisdictional Areas*; and Table D – *Vegetation Communities*.

The changes to the project layout also account for additional information received regarding sensitive resources and ground features, and address certain issues raised by government agencies and stakeholders reviewing the project. The following discussion summarizes those circumstances and the minor project modifications made to address them.

Land Survey

A licensed California surveyor recently conducted a land survey of the real property associated with the Tule Wind Project to identify monuments and exact property boundaries. These modifications identify discrepancies in the actual property boundaries, which in turn result in minor modifications to the location of some facilities so that they would be located on leased land and conform to setbacks and other project design requirements.

Preliminary Micrositing

IRI conducts field verification of proposed wind turbine and access road locations to ensure the proper placement of the wind turbines for optimum meteorological conditions and to accommodate specific topographical constraints. Meteorological data is being compiled on an ongoing basis through the existing meteorological towers (METs) situated in various locations throughout the project area. IRI's development team, including meteorologists, permitting managers, civil engineers, and project developers, completed the preliminary field verification process for the Tule Wind Project in the fall of 2010.

The field verification process takes into consideration numerous factors that include electrical engineering, civil engineering and grading requirements associated with planned access roads and turbines, avoidance of cultural resource sites, and avoidance and minimization of impacts to sensitive biological resources. Based on the results of this field verification, some minor project design modifications are recommended. Project design modifications reflect civil engineering and grading necessary to accommodate the highly variable topography in the project area, avoidance of cultural sites, and avoidance of sensitive biological resources. This preliminary review resulted in minor modifications to the location of roads and turbines. Some turbine locations were eliminated through this review process.

Sunrise Powerlink

SDG&E's Sunrise Powerlink project recently commenced construction. A portion of the Sunrise project crosses the lands that are also part of the Tule Wind Project. One design feature and Applicant Proposed

Mitigation Measure for the 138 kV transmission line connecting the Tule Wind Project to the upgraded Boulevard Substation, is to locate the 138 kV line parallel to the Sunrise Powerlink. However, the exact locations of the Sunrise Powerlink route and structures have been subject to some modifications, which also necessitate modifications to the 138 kV route, as well as certain features of the Tule Wind Project. The general route analyzed in the Draft EIR/EIS has not changed substantially. Additionally, since the environmental review of the Tule Wind Project commenced, the Sunrise Powerlink project leased and constructed a temporary laydown yard of significant size that conflicts with the alternate locations for the Tule Wind Project substation and Operations and Maintenance building, as well as access thereto, which now have been eliminated from the project footprint.

Other 138 kV Transmission Line Modifications

The exact route of the primary transmission line for the Tule Wind Project has been refined. Landowner negotiations and the ability to use the County Right-of-Way (ROW) allow modifications to the exact path of the line, though the general route analyzed in the Draft EIR/EIS remains substantially similar.

Modified Project Layout – Completed Environmental Studies

As described in the Draft EIR/EIS, the proposed project (including anticipated modifications) will be constructed and operated to avoid impacts to all cultural and sensitive biological resources to the greatest extent practicable. IRI demonstrates that commitment by presenting a revised project layout that reduces impacts. See Tables A – D (attached), “Project Component Tables (Comparison of Draft EIR/EIS project layout vs. Modified Project Layout)” that quantify impact reductions.

IRI conducted additional biological and cultural resources surveys on land where project modifications are located wherever they fell outside of areas previously studied. Figure 2 identifies the additional land area surveyed for cultural and biological resources. For each of the environmental issue area sections identified in the Draft EIR/EIS, analysis by our consultant HDR (as documented in the revised Draft EIR/EIS environmental issue areas sections) has determined that the modified project layout will result in similar or reduced impacts as compared to the project layout analyzed in the Draft EIR/EIS. Further, no new significant impacts justifying recirculation of the Draft EIR/EIS have been identified.

Please use the enclosed updated Tule Wind project-related GIS shape files to revise figures and analysis for the Final EIR/EIS to reflect the modified project layout.

Biological Resources Surveys

Biological surveys of the project area were completed in the fall of 2010 and modifications to Tule Wind Project Facilities were made to further minimize impacts to sensitive biological resources. As identified in Table C, temporary impacts to U.S. Army Corps of Engineers (USACE) waters, Regional Water Quality Control Board (RWQCB) waters of the state, and California Department of Fish & Game (CDFG) Jurisdictional Areas will be reduced by the modified project layout. Permanent impacts to USACE, RWQCB, CDFG, and County of San Diego Resource Protection Ordinance (RPO) wetlands will also be reduced. For example, permanent impacts to CDFG jurisdictional areas will be reduced by one-third of an acre.

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As identified in Table D, the modified project layout will result in an overall reduction in permanent impacts of 28.83 acres to vegetation communities as compared to the project layout analyzed in the Draft EIR/EIS. Temporary impacts will be reduced by 11.6 acres.

Cultural Resources Surveys

Cultural surveys of the project area were also completed in the fall of 2010 and modifications to Tule Wind Project Facilities are proposed to avoid cultural or archaeological resources. Newly identified features required changes to reduce or eliminate impacts to archaeological resources to the greatest extent possible.

Modified Project Layout – Environmental Issue Areas – Impact Summaries

The environmental impacts of the Tule Wind Modified Project Layout are expected to be similar to or less than the impacts analyzed in the Draft EIR/EIS. A detailed summary of the Modified Project Layout's potential impact as compared to the proposed project analyzed in the Draft EIR/EIS is provided in Attachment C.

Future Modifications

Several factors implicate reasonable anticipation of future project modifications; however, all project changes will be within the scope of the maximum project scope analyzed in the Draft EIR/EIS. Actual impacts are expected to be less than the layout analyzed therein. Factors contributing to minor future modifications include final micrositing, review by the Federal Aviation Administration, and continued consultation regarding cultural and archaeological resources to avoid such resources to the greatest extent possible.

Sincerely,



Jeffrey Durocher
Senior Permitting Manager

cc (via e-mail): Thomas Zale, BLM (Thomas_Zale@blm.gov)
Jeffery Childers, BLM (jchilders@blm.gov)
Rica Nitka, Dudek (rmitka@dudek.com)

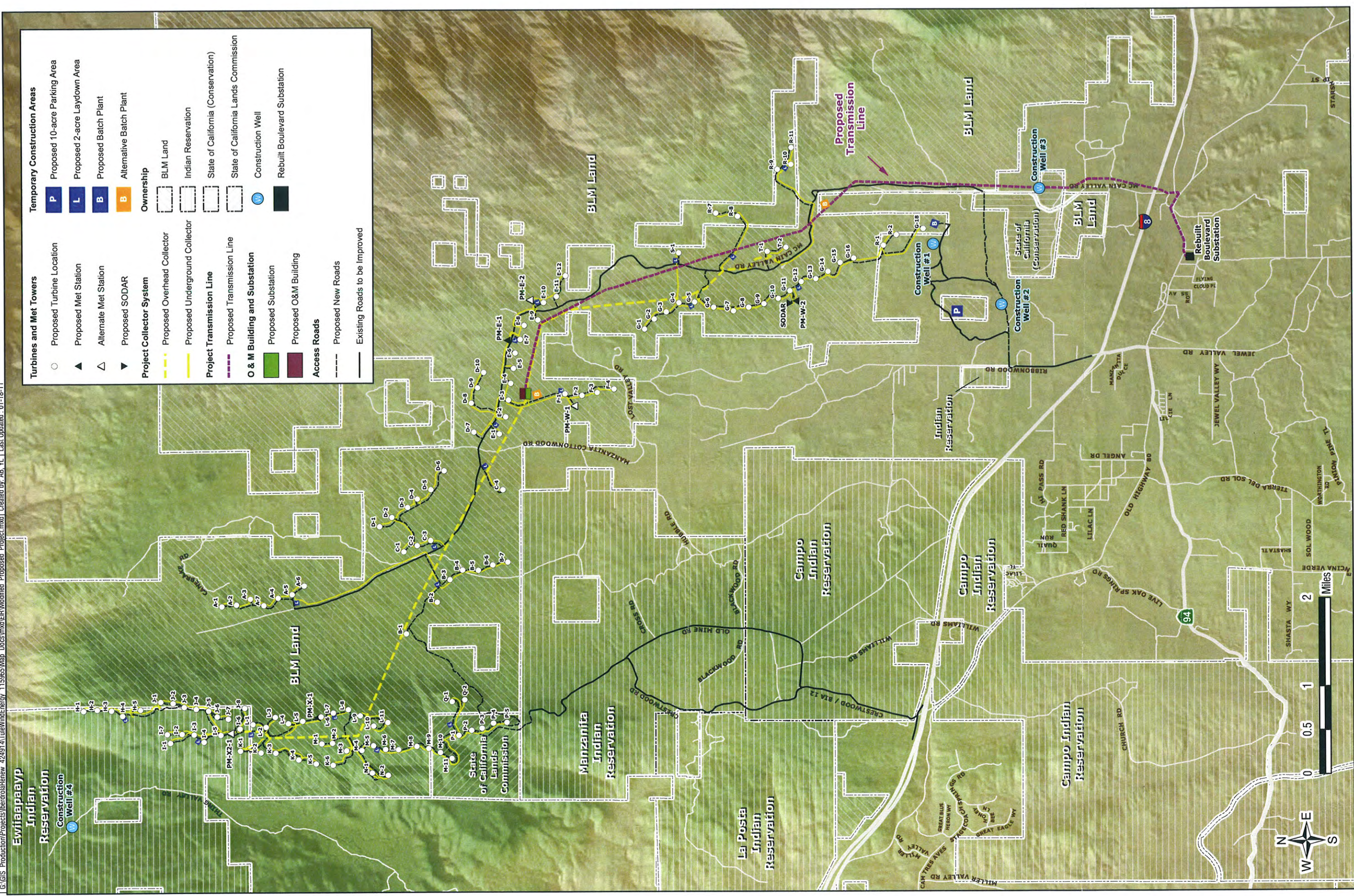
Attachments: Attachment A – Figures 1 and 2
Figure 1 – Modified Project Layout
Figure 2 – Comparison of Draft EIR Project Layout vs. Modified Project Layout
Attachment B – Project Component Comparison Tables (A- D)
Table A – Key Project Components by Jurisdiction
Table B – Detailed Project Components
Table C – Jurisdictional Areas
Table D – Vegetation Communities
Attachment C – Modified Project Layout – Environmental Issue Areas – Impact Summaries

Encl.: CD – GIS Shape Files of Modified Tule Wind Project Layout (March 2011)
CD – Proposed Changes to Draft EIR/EIS Sections

Attachment A

Figure 1 - Modified Project Layout

**Figure 2 - Comparison of Draft EIR/EIS Project Layout vs.
Modified Project Layout and Additional Survey Areas**



Turbines and Met Towers	
○	Proposed Turbine Location
▲	Proposed Met Station
△	Alternate Met Station
▼	Proposed SODAR

Project Collector System	
---	Proposed Overhead Collector
---	Proposed Underground Collector
---	Proposed Transmission Line
---	Proposed Transmission Line

O & M Building and Substation	
■	Proposed Substation
■	Proposed O&M Building

Access Roads	
---	Proposed New Roads
---	Existing Roads to be Improved

Temporary Construction Areas	
■	Proposed 10-acre Parking Area
■	Proposed 2-acre Laydown Area
■	Proposed Batch Plant
■	Alternate Batch Plant

Ownership	
■	BLM Land
■	Indian Reservation
■	State of California (Conservation)
■	State of California Lands Commission

Other Features	
●	Construction Well
■	Rebuilt Boulevard Substation



Figure 1 - Modified Project Layout

Attachment B

**Project Component Tables
(Comparison of Draft EIR/EIS Project Layout vs.
Modified Project Layout)**

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<p align="center">Table A Key Project Components by Jurisdiction Draft EIR/EIS Project Layout vs. Modified Project Layout</p>									
Jurisdiction	Turbine Count		Transmission Line (miles)		New Access Roads (miles)		Existing Roads to be Improved (miles)		Modified Project Layout/ Net Difference
	Proposed Project	Modified Project Layout/ Net Difference	Proposed Project ¹	Modified Project Layout/ Net Difference	Proposed Project	Modified Project Layout/ Net Difference	Proposed Project	Modified Project Layout/ Net Difference	
BLM	97	96/(-1)	7.39	5.91/(-1.48)	23.24	25.03/(1.79)	11.29	11.21/(-0.08)	
County/Private	13	7/(-6)	2.06	3.05/(0.99)	4.05	4/(-0.05)	8.00	4.35/(-3.65)	
Indian Reservation (Campo)	--	--	--	--	--	--	3.31	3.25/(-0.06)	
Indian Reservation (Ewiiapaayp)	17	18/(1)	--	--	4.16	4.20/(0.04)	--	--	
Indian Reservation (Manzanita)	--	--	--	--	0.13	0.25 (0.12)	5.04	4.64 (-0.4)	
State of California	7	7/(0)	0.29	0.26/(-0.03)	4.39	3.27/(-1.12)	--	--	
Total	134	128/(-6)	9.74	9.22/(-0.52)	35.97	36.75/(0.78)	27.64	23.45/ (-4.19)	

¹The 9.7-mile transmission line route was utilized in the DEIR/EIS, which corresponds to the Deviant Substation location on BLM land; however the pole count (108) was assumed using a 9.2-mile transmission line.

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Table B						
Project Components – Draft EIR/EIS Project Layout vs. Modified Project Layout						
Project Component	Quantity		Permanent Disturbance		Temporary Disturbance	
	Proposed Project	Modified Project Layout/ Net Difference	Proposed Project	Modified Project Layout/ Net Difference	Proposed Project	Modified Project Layout/ Net Difference
Turbine	134	128 / (-6)	386.57	369.25 / (-17.32)		
Transmission Line	1	1 / (0)			26.37	26.82 / (0.45)
Transmission Line Poles	108 ¹	80 / (-28)	0.12	0.09 / (-0.03)	18.26	13.50 / (-4.76)
Overhead Collector Line	1	1 / (0)			25.12	27.17 / (2.05)
Collector Poles	232	250 / (18)	0.02	0.02 / (0)		
Underground Collector Line	1	1 / (0)			83.09	99.84 / (16.75)
New Roads	114	75 / (-39)	91.00	91.69 / (0.69)	60.43	62.24 / (1.81)
Improvements to Existing Roads	23	15 / (-8)	74.10	60.93 / (-13.07)	23.00	21.27 / (-1.73)
Substation	1	1 / (0)	5.00	5 / (0)		
O&M Facility	1	1 / (0)	5.00	5 / (0)		
Parking Lot	1	1 / (0)			10.00	10.00 / (0)
Batch Plant	1	1 / (0)			5.00	5.00 / (0)
Staging Area (Laydown Areas)	19	19 / (0)			38.00	38.00 / (0)
Met Tower	2	3 / (1)	0.041	0.062 / (0.021)	0.032	0.048 / (0.016)
SODAR/LIDAR	1	1 / (0)	0.021	0.021 / (0)	0.016	0.016 / (0)
Totals without Overlap Removed			561.9	532.1 (-29.8)	289.3	303.9 (14.6)
Totals with Overlap Removed			541.7	513.3 (-28.4)	223.6	212.1 (-11.5)
<i>Differences Between Proposed and Modified Total Disturbed Acreage</i>			(-28.4 Acres) Perm		(-11.5 Acres) Temp	
TOTAL DISTURBED AREA (Proposed Project)			765.3 Acres			
TOTAL DISTURBED AREA (Modified Project Layout)			725.3 Acres (-40 acres)			

¹108 poles correspond to a 9.2-mile transmission line; however, a 9.7-mile transmission line route was assumed in the DEIR/EIS, which corresponds to 116 poles assuming the Deviant Substation location on BLM land.

Table C
Jurisdictional Areas – Draft EIR/EIS Project Layout vs. Modified Project Layout Impact Totals

Agency	Permanent Jurisdictional Impacts			Temporary Jurisdictional Impacts		
	Proposed Project	Modified Project Layout	Net Difference	Proposed Project	Modified Project Layout	Net Difference
USACE Wetlands	0	0	0	0	0	0
Total USACE Waters of the U.S.	0.43	0.30	(-0.13)	0.48	0.36	(-0.12)
RWQCB Waters of the State	0.43	0.30	(-0.13)	0.48	0.36	(-0.12)
CDFG Jurisdictional Areas	0.70	0.38	(-0.32)	1.21	0.75	(-0.46)
County RPO Wetlands	0.07	0.04	(-0.03)	0.06	0.06	0

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Table D
Vegetation Communities – Draft EIR/EIS Project Layout vs. Modified Project Layout Impact Totals

Vegetation Communities	Permanent Impacts			Temporary Impacts			Totals		
	Proposed Project	Modified Project Layout	Net Difference	Proposed Project	Modified Project Layout	Net Difference	Proposed Project	Modified Project Layout	Net Difference
Big Sagebrush Scrub	2.58	2.98	(0.40)	7.17	6.76	(-0.41)	9.75	9.74	(-0.01)
Chamise Chaparral	22.79	21.39	(-1.40)	13.17	14.61	(1.44)	35.96	36.00	(0.04)
Dense Coast Live Oak Woodland	0.15	0.12	(-0.03)	0.39	0.35	(-0.04)	0.54	0.47	(-0.07)
Developed	8.27	7.39	(-0.88)	0.42	0.25	(-0.17)	8.69	7.64	(-1.05)
Disturbed Habitat	60.32	48.90	(-11.42)	7.85	7.51	(-0.34)	68.17	56.42	(-11.75)
Field Pasture / Agriculture	1.14	1.01	(-0.13)	0.82	0.49	(-0.33)	1.96	1.50	(-0.46)
Montane Buckwheat Scrub	4.54	3.33	(-1.21)	7.36	6.23	(-1.13)	11.90	9.56	(-2.34)
Non Native Grass	2.58	1.20	(-1.38)	2.83	2.67	(-0.16)	5.42	3.87	(-1.55)
Northern Mixed Chaparral	96.02	102.60	(6.58)	20.98	21.28	(0.30)	117.01	123.88	(6.87)
Open Coast Live Oak Woodland	1.26	1.04	(-0.22)	0.93	1.19	(0.26)	2.18	2.23	(0.05)
Redshank Chaparral	5.31	5.76	(0.45)	3.86	4.66	(0.80)	9.17	10.42	(1.25)
Scrub Oak Chaparral	65.86	62.62	(-3.24)	28.57	26.59	(-1.98)	94.43	89.20	(-5.23)
Semi Desert Chaparral	159.46	144.20	(-15.26)	82.72	76.29	(-6.43)	242.18	220.48	(-21.70)
Southern North Slope Chaparral	5.88	5.87	(-0.01)	2.67	2.36	(-0.31)	8.55	8.23	(-0.32)
Southern Willow Scrub	0.00	0.00	(0)	0.07	0.14	(0.07)	0.07	0.14	(0.07)
Un-Vegetated Channel	0.47	0.49	(0.02)	0.09	0.09	(0)	0.56	0.59	(0.03)
Upper Sonoran Manzanita Chaparral	43.04	51.94	(8.91)	10.28	10.38	(0.10)	53.32	62.32	(9.00)
Upper Sonoran Subshrub Scrub	62.43	52.41	(-10.02)	33.46	30.20	(-3.26)	95.89	82.61	(-13.28)
Total	542.10	513.27	(-28.83)	223.65	212.05	(-11.60)	765.75	725.31	(-40.44)

Attachment C

**Modified Project Layout – Environmental Issue Areas –
Impact Summaries**

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Modified Project Layout – Environmental Issue Areas – Impact Summaries

D.2 – BIOLOGICAL RESOURCES: Based on analysis of the Modified Project Layout provided in Section D.2, Biological Resources, the impact associated with the Modified Project Layout will result in a similar, or in some cases reduced, impact as compared to the proposed project layout analyzed in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Implementation of the Modified Project Layout will not result in a new significant impact and incorporation of the Modified Project Layout as the proposed project will not require recirculation of the Draft EIR/EIS.

Native Vegetation - Similar to proposed project, the construction activities would result in temporary and permanent losses of native vegetation; however, no new sensitive communities would be directly affected through implementation of the Modified Project Layout and total impacts to native vegetation is reduced as a result of the smaller project footprint. Impacts to native vegetation communities would remain significant with implementation of the Modified Project Layout, but can be mitigated to a less than significant level with implementation of the proposed Applicant Proposed Measures (APMs) and Mitigation Measures (Class II).

Jurisdictional Areas: Similar to the proposed project, construction activities would result in adverse effects to jurisdictional waters; however, no new special aquatic sites or sensitive riparian habitat types would be directly affected through implementation of the Modified Project Layout and impacts to aquatic features are reduced as a result of the smaller project footprint. Impacts to jurisdictional waters remain significant with implementation of the Modified Project Layout, but can be mitigated to a less than significant level with implementation of the proposed APMs and Mitigation Measures (Class II).

Invasive/Non-native Plant Species: Similar to the proposed project, construction activities have the potential to introduce and spread invasive, non-native or noxious plant species and to create dust, potentially degrading vegetation. However, the potential to degrade existing vegetation communities as a result of introducing or spreading invasive, non-native or noxious plant species and creating dust is reduced as a result of the smaller project footprint. Potential impacts to native vegetation communities would remain significant with implementation of the Modified Project Layout, but can be mitigated to a less than significant level with implementation of the proposed APMs and Mitigation Measures (Class II).

Rare Plants: Similar to proposed project, the construction activities would result in direct and indirect impacts to sensitive plant species; however, no new sensitive plant species would be directly affected through implementation of the Modified Project Layout and total impacts to sensitive plant species is reduced as a result of the smaller project footprint. Impacts to sensitive plant species would remain significant with implementation of the Modified Project Layout, but can be mitigated to a less than significant level with implementation of the proposed APMs and Mitigation Measures (Class II).

Wildlife Species: Similar to the proposed project, construction activities would not result in adverse impacts to common wildlife species (Class III). Also, similar to the proposed project, construction and operational activities would not result in adverse impacts to wildlife movement (Class III). However, similar to the proposed project, construction activities have potential to impact special-status wildlife including breeding migratory birds. No new special-status wildlife species or breeding migratory birds will be directly affected through implementation of the Modified Project Layout. In fact, the potential to affect special-status wildlife species or breeding birds may be reduced as a result of the smaller project

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footprint. Impacts to sensitive special-status wildlife species and breeding migratory birds remain adverse, but can be mitigated to a less than significant level with implementation of the proposed APMs and Mitigation Measures (Class II).

Similar to proposed project, the construction activities would result in potential electrocution and/or collisions between special-status bird and bat species and transmission line components of the project; however, no new special-status bird and bat species would be directly affected through implementation of the Modified Project Layout. Potential impacts to special-status bird and bat species resulting from electrocution and/or collision with transmission lines would remain significant with implementation of the Modified Project Layout, but can be mitigated to a less than significant level with implementation of the proposed APMs and Mitigation Measures (Class II).

Similar to proposed project, the construction activities would result in potential collisions of special-status bat species and Vaux's swift with turbines; however, no new special-status bird or bat species would be directly affected through implementation of the Modified Project Layout. Potential impacts to Vaux's swift and bat species resulting from electrocution and/or collision with transmission lines would remain significant with implementation of the Modified Project Layout, but can be mitigated to a less than significant level with implementation of the proposed APMs and Mitigation Measures (Class II).

Quino Checkerspot Butterfly - Similar to the proposed project, construction activities have the potential to impact the federally-listed Quino Checkerspot Butterfly. No new listed invertebrate species will be directly affected through implementation of the Modified Project Layout. Additionally, impacts to potentially suitable habitat for Quino Checkerspot Butterfly are reduced as a result of the smaller project footprint. Impacts to Quino checkerspot butterfly remain adverse, but can be mitigated to a less than significant level with implementation of the proposed APMs and Mitigation Measures (Class II).

Peninsular Bighorn Sheep - Similar to the proposed project, construction activities would not result in adverse impacts to Peninsular bighorn sheep (Class III).

Golden Eagle - Impacts to golden eagle resulting from potential collision with turbines in the proposed project were determined to be adverse and immitigable in the Draft EIR/EIS (Class I). However, the risk of collision for golden eagle is low based on golden eagle use of the area and therefore, a recommendation to change the impact significance determinations to Class II (Less than Significant, with mitigation) is provided in Iberdrola Renewable's comment letter dated March 4, 2011 and included in Section D.2, Biological Resources (enclosed CD) because no new eagle territories would be directly affected through implementation of the Modified Project Layout. Therefore, project impacts are also adverse, but can be mitigated to a less than significant level with implementation of APMs and Mitigation Measures (Class II).

D.3 – VISUAL RESOURCES: Implementation of the Modified Project Layout would have a long-term impact to scenic vistas and the visual character to County jurisdictional lands that cannot be mitigated to a level that can be considered less than significant. However, the impact associated with the Modified Project Layout would be reduced as compared to the proposed project layout analyzed in the Draft EIR/EIS because there are six less turbines and long term visual impact to County jurisdictional areas would be decreased. Visual impacts resulting from the 138 kV transmission lines are considered less than significant because the approved SDG&E 500 kV Sunrise Powerlink transmission line, if constructed,

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will be the dominate transmission line feature in the area, and not the proposed 138 kV transmission line. A visual simulation that depicts the location of SDG&E's 500 kV Sunrise Powerlink transmission line is provided in Iberdrola Renewable's comment letter dated March 4, 2011.

The project will comply with the County Dark Sky Ordinance and FAA regulations regarding facility lighting, and FAA required turbine red safety lighting would not produce significant amount of light to impact night skies. The project will be consistent with the plans, policies and regulations regarding visual resources. It is unlikely that I-8 will be designated as a scenic highway. Based on County thresholds, recommendations to change the impact significance determinations to Class III (Less than Significant) are provided in Iberdrola Renewable's comment letter dated March 4, 2011 and Section D.3, Visual Resources (enclosed CD). With the exception of impacts to scenic vistas and visual character, implementation of APMs and relevant mitigation measures would mitigate all potential impacts for the Modified Project Layout relative to visual resources to a less than significant level, and no additional impacts to visual resources would occur.

Based on analysis of the Modified Project Layout provided in Section D.3, Visual Resources, the impacts associated with the Modified Project Layout are reduced as compared to the proposed project layout analyzed in the Draft EIR/EIS because fewer turbines are visible from County jurisdictional lands, day or nighttime view in the project area would not be adversely affected, and the project would be consistent with federal, state, and local regulations, plans, and standards that protect visual resources. Implementation of the Modified Project Layout will not result in new significant impacts and recirculation of the Draft EIR/EIS is not required.

D.4 - LAND USE: Implementation of the Modified Project Layout will not result in new impacts to land use. Implementation of Project features and relevant mitigation measures would mitigate all potential impacts relative to land use to a less than significant level, and no additional impacts to land use would occur.

Based on analysis of the Modified Project Layout provided in Section D.4, Land Use, the impacts associated with the Modified Project Layout are similar to the proposed project layout analyzed in the Draft EIR/EIS because similar land use designations would be affected and applicable land use policies, plans, and regulations would be similar to the proposed project analyzed in the Draft EIR/EIS. Implementation of the Modified Project Layout will not result in new significant impacts and recirculation of the Draft EIR/EIS is not required.

D.5 - WILDERNESS AND RECREATION: Implementation of the Modified Project Layout will not result in new impacts to wilderness and recreation. Implementation of APMs and relevant mitigation measures would mitigate all potential impacts relative to wilderness and recreation to a less than significant level, and no additional impacts to wilderness and recreation would occur.

Based on analysis of the Modified Project Layout provided in Section D.5, Wilderness and Recreation, the impacts associated with the Modified Project Layout are similar to the proposed project layout analyzed in the Draft EIR/EIS because similar OHV areas would be affected temporarily during construction activities and scheduling would be similar to the proposed project analyzed in the Draft EIR/EIS. Implementation of the Modified Project Layout will not result in new significant impacts and recirculation of the Draft EIR/EIS is not required.

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D.6 – AGRICULTURE: The project area for the Tule Wind Project is not being utilized for agricultural use or forestry production, and implementation of the Modified Project Layout would not interfere with active agricultural operations or result in the loss of forest land or conversion of forest land to non-forest use. The Modified Project Layout would not traverse any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and the land is not under Williamson Act contract. Therefore, implementation of the Modified Project Layout will not result in new significant impacts to agricultural resources that would require recirculation of the Draft EIR/EIS.

D.7 - CULTURAL AND PALEONTOLOGICAL RESOURCES: The Modified Project Layout avoids most of the 220 identified cultural sites. Analysis provided in Section D.7, Cultural and Paleontological Resources has determined that the Modified Project Layout will result in reduced impacts to prehistoric and historic archaeological resources as compared to the proposed project layout analyzed in the Draft EIR/EIS because the Modified Project Layout would only impact 8 archaeological sites, not 22. Of these 8 sites, only one is potentially eligible (SDI-17817); two other sites listed as potentially eligible (SDI-4788 and SDI-19364) were recently tested by SDG&E across portions of each site and found to not contain deposits that could be contributing elements to the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR) eligibility. SDI-19301 was also tested by SDG&E and found to not contain significant deposits. The remaining four sites are comprised of limited artifact scatters with a low potential for buried deposits. In an effort to achieve avoidance of significant cultural deposits, the Modified Project Layout has aligned several project facilities parallel to SDG&E facilities in areas tested by SDG&E. Furthermore, of the eight sites to be impacted, impacts to seven of these are limited to improvement of an existing road that bisects the sites, thereby limiting potential site impacts to the road margin. A 138 kV tower is planned for the location of Tule-TQ-39; a small artifact scatter.

Traditional Cultural Properties (TCPs) were not identified within the project right-of-way, per the Modified Project Layout; and considering there are no TCPs identified to date, no adverse impact is identified. Furthermore, no identified historic structures would suffer direct or indirect adverse impacts and unique paleontological or unique geologic features were not identified in the project area. Based on this information and the analysis provided in Iberdrola Renewable's comment letter dated March 4, 2011 and Section D.7, Cultural and Paleontological Resources (enclosed CD), recommendations to change the impact significance determinations to Class III (Less than Significant) are provided because the impacts associated with the Modified Project Layout will result in substantially reduced impacts as compared to the proposed project layout analyzed in the Draft EIR/EIS.

Implementation of APMs and relevant mitigation measures would mitigate all potential impacts relative to Cultural and Paleontological Resources to a less than significant level. Implementation of the Modified Project Layout will not result in new significant impacts and recirculation of the Draft EIR/EIS is not required.

D.8 – NOISE: Implementation of the Modified Project Layout would result in temporary impacts to sensitive receptors due to the construction of new and upgraded roadways, although impacts have been determined to be less than significant in the Draft EIR/EIS. Blasting will be required in some areas, and scheduling constraints will be implemented to comply with the San Diego County Noise Ordinance. Noise due to the construction of the roadway, transmission lines, underground utilities, turbine tower

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bases, substation and O&M facility, and cement batch plant would result in temporary impacts to area residents. Due to the fact that no residential structures within 50 feet of construction activities would be impacted by temporary blasting and ground borne vibration and the County vibration thresholds would be met; recommendations to change the impact significance determinations to Class II (Less than Significant, with mitigation) and Class III (Less than Significant) are provided in Iberdrola Renewable's comment letter dated March 4, 2011 and Section D.8, Noise (enclosed CD).

Implementation of APMs and relevant mitigation measures would mitigate all potential impacts relative to noise to a less than significant level, and no additional impacts to noise would occur. Based on analysis of the Modified Project Layout provided in Section D.8, Noise, the impacts associated with the Modified Project Layout are lessened as compared to the proposed project layout analyzed in the Draft EIR/EIS. Implementation of the Modified Project Layout will not result in new significant impacts and recirculation of the Draft EIR/EIS is not required.

D.9 - TRANSPORTATION AND TRAFFIC: Potential impacts resulting from construction of the Modified Project layout would be similar to the proposed project analyzed in the Draft EIR/EIS. Implementation of APMs and relevant mitigation measures would mitigate all potential impacts relative to transportation and traffic to a less than significant level, and no additional impacts to transportation and traffic would occur.

Due to the fact that the Modified Project Layout falls below the County ADT and LOS thresholds, a recommendation to change the impact significance determination to Class III (Less than Significant) is provided in Iberdrola Renewable's comment letter dated March 4, 2011 and Section D.9, Transportation and Traffic (enclosed CD).

Based on analysis of the Modified Project Layout, the impacts associated with the Modified Project Layout are reduced as compared to the proposed project layout analyzed in the Draft EIR/EIS because ADT and LOS thresholds would not be adversely affected. Implementation of the Modified Project Layout will not result in new significant impacts and recirculation of the Draft EIR/EIS is not required.

D.10 - PUBLIC HEALTH AND SAFETY: The Modified Project Layout has a similar potential to generate potential hazards to the public or the environment resulting from construction and or operation of the proposed project. However, implementation of APMs and relevant mitigation measures would mitigate all potential impacts relative to public health and safety to a less than significant level, and no additional impacts to public health and safety would occur. The Modified Project Layout allows for sufficient safety zones or setbacks from wind turbine generators to residents and occupied buildings, any structures, roads, transmission lines, and other public access areas, and undue risks resulting from potential collapse of a wind turbine were determined to be less than significant. Based on analysis of the Modified Project Layout the impacts associated with the Modified Project Layout are similar to the proposed project layout analyzed in the Draft EIR/EIS. Implementation of the Modified Project Layout will not result in new significant impacts and recirculation of the Draft EIR/EIS is not required.

D.11 - AIR QUALITY: Implementation of the Modified Project Layout would generate dust and exhaust emissions that would exceed air standards for NO_x and PM₁₀ throughout the construction phase of the project. Similar to the proposed project, mitigation measures will be implemented, however impacts cannot be mitigated to less than significant level. The impact associated with the Modified Project

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Layout would be similar to the proposed project layout analyzed in the Draft EIR/EIS and short term construction impacts to air quality would not be significantly increased.

Throughout operation, clean, renewable energy sources were determined to have a beneficial impact and would actually result in negative emission numbers when compared with the conventional, fossil-fuel fired generation of 201 MW of electricity. Due to the beneficial effects associated with a clean renewable energy project, a recommendation to change the impact significance determination to Class IV (Beneficial Impact) is provided in Iberdrola Renewable's comment letter dated March 4, 2011 and included in Section D.11, Air Quality (enclosed CD).

With the exception of dust and exhaust emissions during construction (as discussed above), implementation of APMs and relevant mitigation measures would mitigate all potential impacts to a less than significant level. Based on analysis of the Modified Project Layout impacts are similar as compared to the proposed project layout analyzed in the Draft EIR/EIS. Implementation of the Modified Project Layout will not result in new significant impacts and recirculation of the Draft EIR/EIS is not required.

D.12 - WATER RESOURCES: There are no additional impacts on hydrology or water quality expected resulting from construction of the Modified Project Layout as compared to the proposed project layout analyzed as part of the Draft EIR/EIS. Implementation of APMs and relevant mitigation measures would mitigate all potential impacts relative to water resources to a less than significant level, and no additional impacts to water resources would occur.

Based on analysis of the Modified Project Layout impacts are similar to the proposed project layout analyzed in the Draft EIR/EIS because similar hydrologic features are within the project vicinity and construction activities would be similar to the proposed project. Implementation of the Modified Project Layout will not result in new significant impact and recirculation of the Draft EIR/EIS is not required.

D.13 – GEOLOGY: The Modified Project Layout would have the same geologic setting, slope stability, soils, mineral resources, seismicity, liquefaction, and potentially active faults as originally described in the Draft EIR/EIS. Mineral deposits have been found in the vicinity of the Tule Wind Project (Modified Project Layout), and two active tungsten ore mines would still be located near proposed turbines M-10, M-11, and P-5; however, the project would not interfere with the active mines or cause a loss of mineral resources. Implementation of APMs and relevant mitigation measures would mitigate all potential impacts relative to geology to a less than significant level, and no additional impacts to geology would occur. Based on analysis of the Modified Project Layout impacts are similar as compared to the proposed project layout analyzed in the Draft EIR/EIS. Implementation of the Modified Project Layout will not result in a new significant impact and recirculation of the Draft EIR/EIS is not required.

D.14 - PUBLIC SERVICES AND UTILITIES: The Modified Project Layout has a similar potential to disrupt existing utility systems or cause a co-location accident as the proposed project layout analyzed as part of the Draft EIR/EIS; however, implementation of APMs and relevant mitigation measures would mitigate all potential impacts relative to public services and utilities to a less than significant level, and no additional impacts to public services and utilities would occur. A Groundwater Investigation Report (Geologic, December 2010) has been prepared for the Tule Wind Project, and a recommendation to change the impact significance determination to Class III (Less than Significant) is provided in Iberdrola Renewable's comment letter dated March 4, 2011 and Section D.14, Public Services and Utilities

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(enclosed CD). The Modified Project Layout also is expected to utilize slightly less construction water than the proposed project. (Geo-Logic, February 2011).

Based on analysis of the Modified Project Layout impacts will be reduced as compared to the proposed project layout analyzed in the Draft EIR/EIS because adequate on-site water supplies have been identified. Implementation of the Modified Project Layout will not result in new significant impacts and incorporation of the Modified Project Layout as the proposed project will not require recirculation of the Draft EIR/EIS.

D.15 - FIRE AND FUELS MANAGEMENT: Similar to the proposed project, construction, operation, and decommissioning of the Modified Project Layout has a similar potential for fire hazards and increased probability of wildfires. Fire and fuel management impacts for the proposed project were determined to be adverse and immitigable in the Draft EIR/EIS (Class I). However, fire risks will be substantially reduced with the implementation of proposed APMs and Mitigation Measures; therefore, a recommendation to change the impact significance determination to Class II (Less than Significant, with mitigation) is provided in Iberdrola Renewable's comment letter dated March 4, 2011 and included in Section D.15, Fire and Fuels Management (enclosed CD). The Modified Project Layout would not substantially increase the probability of a wildfire or reduce firefighting effectiveness. Therefore project impacts are also considered adverse, but can be mitigated to a less than significant level with implementation of proposed APMs and Mitigation Measures (Class II).

D.16 - SOCIAL AND ECONOMIC CONDITIONS: Implementation of the Modified Project Layout would not result in the removal of any housing units or businesses. The project is anticipated to result in a net benefit to the community due to the increase in construction jobs. The project would not impact agricultural operations or recreation fees to BLM camping facilities. Property values are not anticipated to be impacted due to the operation of the wind turbines. The project would add to the County tax base and contribute to personal income of landowners in the form of royalty payments through lease agreement. Therefore, no additional impacts to social and economic conditions would occur. Incorporation of the Modified Project Layout would not result in a new significant impact to social or economic conditions and recirculation of the Draft EIR/EIS is not required.

D.17 - ENVIRONMENTAL JUSTICE: Implementation of the Modified Project Layout would not result in a disproportionately high or adverse effect on minorities or high-poverty populations. Therefore, no additional impacts relative to environmental justice would occur.

D. 18 – CLIMATE CHANGE: Implementation of the Modified Project Layout would displace fossil-fuel based electricity generation, creating a net reduction in CO₂ emissions. The Modified Project Layout would offset 231,744 metric tons of CO₂ emissions per year by displacing fossil-fuel based electricity generation, creating a net reduction in CO₂ emissions of 231,407 metric tons/yr after accounting for the Project's own yearly operational emissions. Furthermore, the Modified Project Layout would also offset criteria air pollutants that would otherwise have been emitted by fossil-fuel based electricity generation, conservatively estimated as 12.4 short tons/yr of oxides of nitrogen (NO_x), 11.1 short tons/yr of particulate matter 10 microns or less in size (PM₁₀), 14.7 short tons/yr of carbon monoxide (CO), 3.8 short tons/yr of oxides of sulfur (SO_x), and 3.8 short tons/yr of volatile organic compounds (VOC). The Modified Project Layout would also offset annual water use of approximately 149 million gallons/yr after accounting for its own water use. Based on analysis of the Modified Project Layout provided in Section

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D.18, Climate Change, the impacts associated with the Modified Project Layout are reduced as compared to the proposed project layout analyzed in the Draft EIR/EIS. Due to the beneficial effects associated with a clean renewable energy project, a recommendation to change the impact significance determination to Class IV (Beneficial Impact) is provided in Iberdrola Renewable's comment letter dated March 4, 2011 and included in Section D.18, Climate Change (enclosed CD).



March 4, 2011

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Re: Comments of Iberdrola Renewables, Inc. on the Joint Draft Environmental Impact Report - Draft Environmental Impact Statement (DEIR/DEIS) for the East County Substation/Tule Wind/Energia Sierra Juarez Gen-Tie Projects

Dear Messrs. Fisher and Thomsen:

Iberdrola Renewables, Inc. (IRI), proponent of the Tule Wind Project, submits these comments on behalf of Tule Wind, LLC, a wholly owned subsidiary of IRI, in response to the *Notice of Availability of Joint Draft Environmental Impact Report - Draft Environmental Impact Statement (DEIR/DEIS) of the East County Substation/Tule Wind/Energia Sierra Juarez Gen-Tie Projects*. The following comments consist of four general components: (1) this cover letter summarizing key issues, (2) the attached tables of specific comments and suggested edits to the DEIR/DEIS, (3) additional attachments and revised technical reports, and (4) a separate cover letter providing minor modifications to the Tule Wind Project that reduce its total environmental impacts (with supporting documentation).

Tule Wind, LLC respectfully requests consideration of these comments, justifying revisions to several of the DEIR/DEIS significance determinations, which currently overstate Tule Wind Project's potential environmental impacts. Several Class I significance determinations in the DEIR/DEIS should be reduced because the evidence demonstrates that certain Class I impacts are capable of being mitigated to a level that is less than significant, and should therefore be considered Class II or Class III, particularly when taking into

consideration the Applicant Proposed Measures (APMs) proposed as part of Tule Wind Project's design. An example is the DEIR/DEIS Class I significance conclusion regarding noise, which is based on the incorrect assumption that the Tule Wind Project would not comply with the County noise ordinance; however, the Tule Wind Project *will* comply with the ordinance and implement mitigation measures, reducing the significance level to Class II. With respect to air and water resources, the Tule Wind Project will have a beneficial impact and should be considered Class IV.

The following comments are generally organized by DEIR/DEIS Section or Subsection. Additional, comprehensive comments compiled in table form for each Section of the DEIR/DEIS, and supporting material, are contained in the attached documentation.

Introduction/Overview and Project Description

Although the DEIR/DEIS recognizes some project benefits associated with the 201 megawatt (MW) Tule Wind Project,¹ the analysis does not sufficiently consider several key additional benefits. Specifically, building the full 201 MW Tule Wind Project will create jobs and stimulate the economy. Full build out will help meet federal, as well as state, renewable energy policy goals, reduce fossil fuel use, curb climate change, and reduce water use by offsetting need for conventional fossil fuel-fired generation plants being built to meet future demand.

Each of these benefits is an essential part of the Tule Wind Project.² The failure to sufficiently evaluate Tule Wind Project's benefits in the project description creates a ripple effect through the document whereby the analysis in later sections (notably, the analysis of alternatives) does not discuss the downsides to natural resources and economic growth associated with the reduced project (Tule Wind Alternative 5) or No Project alternatives in the DEIR/DEIS.

The DEIR/DEIS understates the direct and indirect economic benefits of the Tule Wind Project. The Tule Wind Project will create tax revenue for the County of San Diego (County), create 325 temporary jobs during peak construction, as well as 12 permanent jobs, and will generate revenues for local landowners, the Ewiiapaayp Tribe, and the California State Teacher's Retirement Fund (through lease payments to the California State Lands Commission). The Tule Wind Project would also enable the Ewiiapaayp Tribe to have renewable generation on its land, the only identified opportunity for revenue from the Ewiiapaayp reservation. IRI's investment in the County will also create additional

¹ See DEIR/DEIS Sections A.3.1 (p. A-6); E.3.5 (p. E-24).

² Compare Memorandum of Nancy H. Sutley, Chair, Council on Environmental Quality, Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions (February 18, 2010) (Draft NEPA guidance stating: "agencies proposing a federal action that may generate substantial GHG emissions also consider impacts on vulnerable communities including tribal and Alaska native communities where these impacts would have the greatest adverse effects").

secondary benefits in the region. These are benefits that are over and above the brief discussion of the overall economic benefits of the Tule Wind Project referenced in the DEIR/DEIS.³ These project benefits are important to and must be considered within the analysis of the No Project Alternative and Tule Wind Alternative 5. The DEIR/DEIS should fully reflect the economic benefits of the Tule Wind Project in Section B (Project Description), Section D.16 (Social and Economic Conditions), Section E (Comparison of Alternatives), and Section F (Cumulative Scenario and Impacts).

The reviewing agencies should acknowledge the significant benefits to water resources associated with the Tule Wind Project. Because wind power requires no cooling water, it reduces water use for electricity generation by offsetting the annual water use requirements of non-renewable power plants that require large amounts of water for cooling. By displacing fossil-fueled generation, the Tule Wind Project would offset annual water use of approximately 149 million gallons per year after accounting for its own water use (using a modern, gas-fired plant as a comparison), based on a 201 MW wind project operating with a 31% net capacity factor.⁴ The DEIR/DEIS should reflect the benefit of the Tule Wind Project in Section B.4.2.4 (Water Use), Section D.12 (Water Resources), Section E (Comparison of Alternatives), and Section F (Cumulative Scenario and Impacts).

The DEIR/DEIS should also reflect that operation of the Tule Wind Project will reduce greenhouse gas (GHG) emissions and improve air quality by reducing the sulfur dioxide, nitrogen oxide, carbon monoxide, volatile organic compounds, and PM₁₀ emitted by fossil fuel-fired generation. The Tule Wind Project would offset 231,744 metric tons of CO₂ emissions per year by displacing fossil-fuel based electricity generation, creating a net reduction in CO₂ emissions of 231,407 metric tons per year.⁵ If the GHG emissions offset from the embodied energy in water saved from the Tule Wind Project is added (803 metric tons of CO₂ emissions per year), the Tule Wind Project would offset 232,210 metric tons of CO₂ emissions per year. Furthermore, the Tule Wind Project would offset criteria air pollutants that would otherwise be emitted by fossil-fuel based electricity generation, conservatively estimated at 12.4 metric tons per year of oxides of nitrogen (NO_x), 11.1 metric tons year of particulate matter 10 microns or less in size (PM₁₀), 14.7 metric tons year of carbon monoxide (CO), 3.8 metric tons per year of oxides of sulfur (SO_x), and 3.8 metric tons per year of volatile organic compounds (VOC).⁶ The DEIR/DEIS should reflect this benefit of the Tule Wind Project in Section B.4, Section D.11 (Air Quality), Section E (Comparison of Alternatives), and Section F (Cumulative Scenario and Impacts).

³ See DEIR/DEIS Section D.16.3.3 (p. D.16-17).

⁴ Attachment D.18.3, Table 4.

⁵ This calculation accounts for both the Tule Wind Project's own yearly operational emissions and amortized construction emissions. See Attachment D.18.3, Table 2.

⁶ Attachment D.18.3, Table 3.

Under CEQA, the Tule Wind Project would have a beneficial impact to both air and water resources (Class IV) because it would reduce greenhouse gas emissions, criteria air pollutant emissions, and water use below that estimated in the environmental baseline.

A primary benefit of the Tule Wind Project is its contribution towards achievement of federal and state renewable energy policy goals and objectives, and to facilitate the benefits of clean renewable energy. After the DEIR/DEIS was released, President Obama set out a goal for the nation to achieve 80 percent of its electricity from clean energy sources by 2035 in the State of the Union Address on January 25, 2011. This important goal should be acknowledged in Section A.3 (Purpose and Need). The Tule Wind Project would contribute to these important aspirations of environmental stewardship and energy independence, and is critical to realizing the associated benefits.

Alternatives and Comparison of Alternatives

The DEIR/DEIS concludes that the No Project Alternative, or Tule Wind Alternative 5 (a reduced turbine alternative), is viewed as “environmentally superior” without weighing the environmental benefits of the Tule Wind Project against the potential environmental impacts of either alternatives. Failing to build the Tule Wind Project, or reducing its size, will result in increased environmental impacts, and will hinder the achievement of important state and federal renewable energy and GHG emissions reduction policy objectives. Greater impacts to visual, cultural and biological resources, greater criteria air pollutant emissions, greater GHG emissions, and unnecessary water use are consequences of selecting either of these two alternatives.

Additionally, the region needs to invest in additional energy generation to meet future demand. Either the No Project Alternative or Tule Wind Alternative 5 inevitably leads to significantly more environmental impacts and fuel price instability for retail energy buyers over the course of the next 30 years. Accordingly, neither are superior alternatives, and the Tule Wind Project, as proposed, should be selected as the environmentally superior alternative. The analysis should recognize that some of the environmental concerns with the Tule Wind Project are potential impacts with a low likelihood of occurring, while the many environmental benefits outlined above are certain.

The DEIR/DEIS conclusions ignore the negative environmental impacts of selecting the No Project Alternative. If the No Project Alternative were selected, water use, criteria, hazardous and GHG pollution associated with fossil fuel-fired electricity generation would be significantly greater, as quantified above. Similarly, if Tule Wind Alternative 5 were selected, greater water use, GHG emissions, and criteria air pollutant emissions would result because only a portion of the Tule Wind Project’s air, GHG, and water benefits would be realized.

Tule Wind Alternative 5 identifies potential environmental impacts to golden eagles⁷ associated with turbines located on the Tule Wind Project’s western ridge (the ridge turbines). Yet Tule Wind Alternative 5 is duplicative of, and less flexible than, Mitigation

⁷ Section E.3.5 (p. E.22).

Measure BIO-10f,⁸ which also applies to the ridge turbines. Mitigation Measure BIO-10f limits construction of the ridge turbines unless and until the decision-making agencies have reviewed and evaluated the turbines in light of all available scientific information confirming that the pre-construction studies demonstrate low risk of impacts to golden eagles. Therefore, the California State Lands Commission, the BLM, or the Ewiiapaayp Tribal Government can deny authorization to build some or all of the ridge turbines under their respective jurisdictions.⁹ This mitigation measure, as applied to the proposed Tule Wind Project (including ridge turbines), addresses concerns regarding biological impacts and renders the adoption of Tule Wind Alternative 5, and the reduction in environmental benefits associated with that alternative, unnecessary. Where Tule Wind Alternative 5 would bluntly eliminate the ridge turbines and their associated environmental benefits with no consideration of all available scientific information, Mitigation Measure BIO-10f allows the same (if not greater) level of golden eagle protection, while preserving the opportunity to realize the environmental benefits of any ridge turbines that demonstrate a low risk of impacts to golden eagles.

To the extent that reviewing agencies associate benefits to reducing the scale of the Tule Wind Project, it is important to recognize that wind resource areas are a defined, limited, and scarce national resource; therefore, placing unnecessary restrictions in areas rich in wind resources should be avoided. Furthermore, the Tule Wind Project previously was proposed to have an approximately 500 MW capacity, as evidenced by its earlier interconnection requests. IRI voluntarily reduced the original size of the Tule Wind Project from 500 MW to its current size of 201 MW.¹⁰ Further refinements to the project layout (submitted concurrently with these comments) reflect additional voluntary reduction to the maximum number of turbines from 134 to 128 and reduction of the footprint size. The revised layout reflects total impacts that are less than those evaluated in the DEIR/DEIS.¹¹

The DEIR/DEIS also erroneously concludes that Tule Wind Alternative 2, Gen-Tie Route 2 Underground with Collector Substation/O&M Facility on Rough Acre Ranch, should be an element of the environmentally superior alternative. This conclusion should be amended because this alternative would result in greater environmental impacts than the Tule Wind Project, as proposed from placing the generation tie (Gen-Tie) line underground, and from building the O&M/Substation on Rough Acres Ranch, as discussed below.

The activities associated with placing the Gen-Tie line underground would increase

⁸ See DEIR/DEIS Section D.2.3.3 (p. D.2-181). Mitigation Measure 10f specifies the ridge turbines.

⁹ See DEIR/DEIS Section D.2.3.3 (p. D.2-181) (Mitigation Measure 10f) and Section E.3.6.

¹⁰ A copy of the correspondence from IRI to the California Independent System Operator is included with the supporting documentation included with this letter.

¹¹ See letter of IRI transmitting information regarding the revised layout and project description for the Tule Wind Project, dated March 4, 2011.

ground disturbance, and disturb additional cultural resources.¹² In concluding that the Gen-Tie Route 2 should be placed underground, the DEIR/DEIS relies primarily on the conclusion that the overhead line would have a Class I impact. However, there would be transmission infrastructure in this area regardless of whether the Gen-Tie Route 2 is underground because Gen-Tie Route 2 is designed to parallel the approved Sunrise Powerlink Project. This is demonstrated by the visual simulation submitted with these comments,¹³ illustrating that there would be no significant incremental visual impact from the overhead Gen-Tie line and conforms to general preferences of BLM regarding co-location of infrastructure to minimize cumulative impacts. The conclusion also relies on a purported reduction in avian electrocution risk;¹⁴ however, the Tule Wind Project will employ state of the art design to build the line to meet Avian Power Line Interaction Committee (APLIC) Guidelines,¹⁵ thereby making the possibility of avian electrocution unlikely. Accordingly, burying the Gen-Tie line would result in increased impacts to cultural resources and ground disturbance without any associated benefit.

Placing the substation on Rough Acres Ranch, at the southernmost portion of the Tule Wind Project, would also result in increased environmental impacts. Although the DEIR/DEIS correctly states that the length of the 138 kilovolt (kV) line would be reduced by selecting this alternative, it does not consider that the length of the 34.5 kV overhead collector lines would increase significantly, and that the total length of electrical lines would increase by nearly 6 miles over the Tule Wind Project's preferred substation location.¹⁶ Moreover, because the power would be transmitted further at a lower voltage, additional and larger conductors would be required. The size and impact of the overhead 34.5 kV lines would therefore increase; some portions would involve a single-circuit line paralleling a double-circuit line, and some portions would require a double-circuit line parallel to another double-circuit line. The addition of this supplemental infrastructure would increase the visual impact of those collector lines, as well as increase ground disturbance. The placement of the substation on Rough Acres Ranch would have greater impacts than the preferred location proposed by the Tule Wind, LLC. Failure of the DEIR/DEIS to recognize the

¹² Although the DEIR/DEIS recognizes the increased impacts to vegetation and habitat associated with an underground line, it does not acknowledge the additional impacts to cultural resources caused by ground disturbance that would be implicated in this archaeologically rich area. To the contrary, the DEIR/DEIS incorrectly states that impacts to cultural resources would be reduced. DEIR/DEIS Section E.3.2 (p. E-21).

¹³ See Attachment F.1.

¹⁴ The purported electrocution risk is stated in Table E-2, but not in the analysis in Section E.3.2. Given IRI's commitment to design the line to APLIC Guidelines, and the implementation of Mitigation Measures BIO-10a and BIO 10b (see. DEIR/DEIS p. D.2-172), reduce any avian electrocution risk to a less than significant level.

¹⁵ Avian Power Line Interaction Committee, Suggested Practices for Avian Protection on Power Lines, The State of the Art in 2006.

¹⁶ Because every turbine must connect to the substation, the total lines are reduced by placing the substation in a central location, as proposed by the applicant.

increased impacts should be corrected in the analysis of alternatives.

For these reasons, neither the No Project Alternative, nor Tule Wind Alternative 5 are the “environmentally superior alternative.” Similarly, selection of Tule Wind Alternative 2, Gen-Tie Route 2 Underground with Collector Substation/O&M Facility on Rough Acre Ranch, if selected, would result in increased total environmental impacts, and could not be considered part of an environmentally superior alternative. Instead, the proposed Tule Wind Project, with mitigation, has the least impact and is the environmentally superior alternative.

One final comment regarding alternatives relates to the rejection of the ECO Alternative Boulevard Substation, which was screened from further consideration because it “was determined not to meet the alternatives screening criteria.”¹⁷ The screening criteria consisted of (1) the ability to meet most of the Proposed PROJECT’s basic objectives, (2) feasibility, and (3) whether the alternative avoids or substantially lessens environmental effects of the Proposed PROJECT.¹⁸ In this context, the analysis relates to all the projects evaluated in the DEIR/DEIS, including the Campo, Manzanita and Jordan wind projects. The DEIR/DEIS states that the first two criteria are satisfied by this alternative, but states that environmental impacts would not be reduced. This conclusion ignores the reduced impacts that would result from extending the interconnection point closer to the Tule, Manzanita and Campo projects studied at a programmatic level in the DEIR/DEIS. An alternate location closer to these projects, would significantly reduce the impacts by extending a single 138 kV line and reducing the length of three generation tie lines. The reviewing agencies should consider this alternative because it would reduce overall environmental impacts and would not result in any new significant environmental impacts not already considered in the DEIR/DEIS.

3 **Biological Resources**

The Biological Resource (Section D.2) of the DEIR/DEIS incorrectly evaluates potential impacts to golden eagles. It states that risk of collision is “high” based on “topography, landforms, and distance to known active nests,” yet fails to reference any scientific evidence or support for this conclusion. Further, the conclusion that the Tule Wind Project presents high risk to golden eagles contradicts the scientific evidence in the record.

Predicated on Tule Wind, LLC’s ongoing efforts with the USFWS and BLM, we understand the extent to which golden eagles use a wind project site is more indicative of risk than a wind project’s proximity to a nest. No demonstrated reduction in active nest density has been documented near several wind projects in Carbon County, Wyoming. In fact, nests located within several miles of the wind project continue to be active 15 years

¹⁷ Section C.5.1.10 (p. C-49).

¹⁸ The Proposed PROJECT referenced here is the whole of the action, as defined in the DEIR/DEIS.

after construction of that project.¹⁹ Extensive avian studies and directed golden eagle studies at the Tule Wind Project site show that use of the project site by golden eagles is low, suggesting that it contains poor foraging habitat.²⁰ Statistical analysis of numerous existing wind projects demonstrate that low use correlates with low risk of collision.²¹ At operating wind projects having similar levels of pre-construction golden eagle use, no impacts to golden eagles have been reported.²² Additional detail elucidating the low risk to this species is contained in the comments and supporting documentation accompanying this comment letter, as well as the AED and other materials submitted by Tule Wind, LLC.

The erroneous DEIR/DEIS Class I determination regarding the significance of impacts to golden eagles should be revised. The significance classification and the determination that risk cannot be mitigated should not be based on the existence of any risk above zero over the life of the Tule Wind Project. Such a standard would be unreasonable and would exist for any anthropogenic activity located within the golden eagle range. Population studies at projects with high use demonstrate that there is no population level impact to the resident golden eagle population, despite high mortality.²³ Distinguishably, the record of evidence concludes that risk of collision at the Tule Wind Project is low, would not have population-level impacts, and any risk would be decreased to a less than significant level (Class II) by applicable APMs and mitigation measures.

To the extent that any risk to golden eagles exists (which is at most, minimal), the application of Mitigation Measures BIO-10a through BIO-10h reduces the potential impact, and will assure net zero loss of golden eagles on a population basis (the applicable federal standard under regulations implementing the Bald and Golden Eagle Protection Act (BGEPA)). The Tule Wind Project will be required to implement an agency-approved Avian and Bat Protection Plan (ABPP), which is required to include an adaptive management program. Furthermore, the ridge turbines may be constructed if approved by the particular agency with jurisdiction only after it is satisfied that the conclusions of low risk of impact to

¹⁹ Young, D.P., Jr., C. LeBeau, W. Erickson, S. Nomani, J.R. Boehrs, and B. Oakleaf. 2010. Status of Breeding Populations of Ferruginous Hawks, Golden Eagles and Bald Eagles in Albany and Carbon County, Wyoming. Prepared for the Wyoming Game and Fish Department (WGFD).

²⁰ Tetra Tech EC, Inc. 2008. *2005–2006 Avian Survey, Tule Wind Resource Area, San Diego County, California*. Prepared for Iberdrola Renewables, Inc. February 2008. Tetra Tech EC, Inc. 2009. *2007–2008 Avian Survey, Tule Wind Resource Area, San Diego County, California*. Prepared for Iberdrola Renewables, Inc. February 2009.

²¹ WEST. 2010b. Golden Eagle Information, Tule Wind Project. Prepared by Wallace Erickson for Iberdrola Renewables, Inc.. June 2010.

²² WEST. 2010b. Golden Eagle Information, Tule Wind Project. Prepared by Wallace Erickson for Iberdrola Renewables, Inc. June 2010.

²³ Hunt, W.G. 2002. Golden eagles in a perilous landscape; predicting the effects of mitigation for wind turbine blade-strike mortality. University of California, Santa Cruz, Santa Cruz, CA, California Energy Commission, Public Interest Energy Research (PIER) Program, Contract Number 500-97-4033, P500-02-043F.

golden eagles are further documented and verified. The Tule Wind Project agrees to verify pre-construction studies with scientific measures, such as installing telemetry on golden eagles, conducting additional golden eagle nest surveys, installing nest cameras, and conducting additional ground observations to confirm the data contained in preconstruction studies remains as stated in the pre-construction studies for a period that extends into the future. Importantly, these measures go beyond what is required or necessary to demonstrate the impacts of the Tule Wind Project, and the additional information will provide further confirmation of pre-construction studies, or result in the elimination of certain turbine locations. This supplemental data, in combination with the mechanism contained in Mitigation Measure BIO-10f, provides maximum protection for golden eagles. The mechanism also renders consideration of Tule Wind Alternative 5 superfluous because it attempts to achieve the same result by means that cannot reflect all scientific information available.

The DEIR/DEIS proposes Mitigation Measure BIO-10i, which is infeasible, unnecessary, and should be eliminated from the FEIR/FEIS. The mitigation measure requires the Tule Wind Project to obtain "written agency concurrence documenting compliance with regulations governing golden eagle." This mitigation measure is not feasible and is not required by the BGEPA or the California Fish & Game Code.

Eliminating Mitigation Measure BIO-10i will not reduce protection for the golden eagle because the Tule Wind Project is required to comply with the BGEPA and the California Fish and Game Code. The means for compliance is Tule Wind Project's obligation to obtain approval of the U.S. Fish and Wildlife Service and California Department of Fish and Game for the project-specific ABPP, as required by Mitigation Measure BIO-10b.

IRI recommends a modification to the proposed Mitigation Measure BIO-7j,²⁴ which could be interpreted to apply so broadly as to preclude construction activities during most months of the year, and extending construction activities over several additional years. The extended construction schedule would increase impacts by requiring additional mobilization and demobilization of construction equipment. Suggested changes that make the mitigation measure feasible are included in the enclosed table of comments on the Biological Resources Section of the DEIR/DEIS. The changes specify nest buffers, which will provide needed and reasonable flexibility to allow construction to occur while protecting nests and nesting birds.

(d) **Public Health and Safety**

IRI recommends a modification to the proposed Mitigation Measure HAZ-6,²⁵ which implements a safety setback of 1.25 times total turbine height from "residents and occupied buildings, roads, ROWs, transmission lines, and other public access areas." The Tule Wind Project has been designed to comply with, or in most circumstances, exceed this requirement. However, it should not be applied to the property lines of parcels owned by landowners that are participating in the Tule Wind Project.

²⁴ See DEIR/DEIS p. D.2-154.

²⁵ See DEIR/DEIS p. D.10-66.

Implementation of the setback would have a particular hardship on the Ewiiapaayp Tribe because in certain locations the topography of its land only allows placement of turbines near its property line. In these circumstances, the adjacent owner is the BLM, a landowner participating the Tule Wind Project. If the setback is deemed to apply to all parcel boundaries, it should be applied with discretion by the agency with jurisdiction over the particular turbine. This is similar to the approach in the DEIR/DEIS to allow the agency with jurisdiction over a given portion of the project area to adopt or reject certain alternatives.²⁶ Such an approach would mitigate the adverse impact on the Ewiiapaayp Tribe.

Implementation of a setback to participating owners would also have arbitrary and unfair impacts to private landowners participating in the Tule Wind Project and needlessly reduce critical renewable energy generation and environmental benefits. Locating certain turbines on private land (in this case, Rough Acres Ranch) would be precluded with the implementation of Mitigation Measure HAZ-6 because Rough Acres Ranch owns multiple parcels, but would not have the benefit of using adjacent parcels for the same purpose. As described in the previous paragraph with respect to the Ewiiapaayp Tribe, Rough Acres Ranch also owns land with parcel boundaries such that the setbacks would prevent the use of topographic features necessary to wind turbine placement. In these cases, the parcel boundaries are located adjacent to BLM land where turbines are also proposed.

The most equitable solution is to include an exemption to the 1.25 times turbine height setback for parcel boundaries of:

- Participating landowners,
- Non-participating landowners, if written consent signed by the owner(s) of each lot or parcel affected by the proposed setback reduction is obtained, and
- Lots or parcels owned by the Bureau of Land Management or other state or federal agency that participated in the preparation of the FEIR/FEIS.

Fire and Fuels Management

IRI has diligently engaged with the three fire agencies with jurisdiction over fire protection for the Tule Wind Project, including the San Diego County Fire Authority (SDCFA), San Diego Rural Fire Protection District (SDRFPD), and Ewiiapaayp Tribal Fire. In November 2010, Tule Wind, LLC entered into a Fire and Emergency Protection Services Agreement with SDRFPD (satisfying Mitigation Measure FF-3) and the SDRFPD approved Tule Wind, LLC's Fire Protection Plan (FPP) (satisfying Mitigation Measure FF-4). In February 2011, the SDCFA accepted Tule Wind, LLC's FPP (satisfying Mitigation Measure FF-4), and the parties have generally agreed as to form on a Fire and Emergency Protection Services Agreement, which would not be approved until the County Board of Supervisors

²⁶ See Section E.3.6, which states "Consideration and adoption of this alternative and/or a variation or other combination of alternatives would be at the discretion of the BLM, BIA, Ewiiapaayp Band of Kumeyaay Indians, CSLC, and County of San Diego."

votes on the Tule Wind Project's land use entitlements.²⁷ Finally, the Ewiiapaayp Tribe has submitted a letter approving of the fire protection plan for the Tule Wind Project, and asserting that it justifies a conclusion that all impacts have been mitigated below a level of significance.²⁸ Accordingly, all three agencies have given their approval of the Tule Wind Project's fire protection measures.

The DEIR/DEIS finds that the Tule Wind Project would have two Class I immitigable impacts with respect to fire: (1) Impact FF-2 ("presence of project facilities including overhead transmission line[s] would increase the probability of a wildfire"); and (2) Impact FF-3 ("Presence of the overhead transmission line/facilities would reduce the effectiveness of firefighting"). After consulting with the aforementioned fire agencies and its own fire protection plan consultants, IRI believes that both impacts are more properly classified as Class II less than significant impacts with mitigation.

With respect to Impact FF-2, the DEIR/DEIS states that the fire risk associated with the components of the Tule Wind Project, including operations and maintenance activities, cannot ever be reduced to zero, and therefore, would "result in potential ignition sources adjacent to wildland fuels in an area with a history of wildfires and over 2,000 inhabited structures in the vicinity, especially 'down wind' to the east and west during a Santa Ana wind-driven fire."²⁹ Based on its conclusion that fire risk can never be reduced to zero, the DEIR/DEIS concludes that, Impact FF-2 is a Class I immitigable impact.³⁰ The DEIR/DEIS applies the same logic and reaches the same conclusion for the ECO Substation Project, ESJ Gen-Tie Project, and Proposed Project as a whole.³¹

Although IRI maintains that the mitigation measures and APMs included in its FPP approved by the SDRFPD (Nov. 2010) fully mitigate all fire-related impacts associated with the Tule Wind Project, IRI agrees with the SDCFA and SDRFPD that the DEIR/DEIS misses a key opportunity to apply mitigation measures that would reduce the existing baseline risk of damage and destruction by wildfire to the structures in the high and very high fire risk areas to the west and east of the Tule Wind Project, as proposed. By reducing this baseline risk, which exists today and will continue to exist even if the Tule Wind Project is never constructed, any risk of wildfire ignition added by the ECO Substation, ESJ Gen-Tie, and Tule Wind Projects could be offset, thereby resulting in a Class II less than significant impact after mitigation for Impact FF-2.

²⁷ Attachment D.15.2, Letter from James Pine, SDCFA, to Patrick Brown, County of San Diego (Feb. 28, 2011).

²⁸ See Letter from William Micklin, Ewiiapaayp Band of Kumeyaay Indians, to Iain Fisher, CPUC, and Greg Thomsen, BLM (Mar. 3, 2011) p. 24.

²⁹ See DEIR/DEIS p. 15-54.

³⁰ See DEIR/DEIS, p. D.15-56.

³¹ See DEIR/DEIS, pp. D.15-54, 57, 58.

Based on the fire agencies' experience, the most effective way to reduce baseline fire risk to structures in the very high and high fire risk areas to the west and east of the Tule Wind Project is to increase fire code compliance inspections on structures in that area. In the fire agencies' experience, fire code inspections result in very high compliance rates, which translate into significant improvement in structure survivability in a wildfire. SDCFA has assessed the Tule Wind Project's risk of increasing the likelihood of wildfire ignition after application of APMs and Mitigation Measures, and has concluded that with sufficient funding, it could offset any remaining risk by adding one (1) full-time Fire Code Specialist II, and four (4) part-time, stipend reserve and/or volunteer firefighters that perform fire code inspections up to ninety (90) days per year.³² It is the SDCFA's opinion that this reduction of baseline fire risk, which exists regardless of whether the Tule Wind Project is built, would offset any additional unavoidable risk of wildfire ignition posed by the Tule Wind Project, and consequently, that Impact FF-2 should be changed to a Class II less than significant impact.

Furthermore, IRI's discussions with SDRFPD and SDCFA also identified additional project-specific mitigation measures that can be applied to the Tule Wind Project itself to reduce the risk of wildfire ignition associated with the Tule Wind Project even further, as well as some textual edits to the mitigation measures in the DEIR/DEIS. Those edits and additional mitigation measures are attached in IRI's comments on Section D.15 of the DEIR/DEIS, and IRI respectfully asks that they be considered for inclusion in the DEIR/DEIS.

With respect to Impact FF-3, the DEIR/DEIS concludes that it is a Class I impact. Tule Wind, LLC respectfully disagrees with this significance conclusion for the following reasons. With respect to ground-based firefighting effectiveness, improved access roads will enable ground-based firefighters to reach places that were previously inaccessible by vehicle and will enable quicker ingress and egress to the project area to fight fires. Tule Wind, LLC has also committed to install four (4) 10,000 gallon water tanks in SDRFPD-approved locations throughout the project area, which will improve ground-based firefighting effectiveness through proximate access to additional water sources. Furthermore, firefighters are trained to operate and fight fires around electrical transmission lines. The modern highly trained, well-equipped, Firefighter and Fire Agency needs to be given credit in the FEIR/FEIS for their ability to evaluate the risks and intelligently and properly handle a fire at the property. Moreover, the Fire and Emergency Protection Services Agreements entered into with SDRFPD and to be entered into with the SDCFA (see Mitigation Measure FF-3) will provide funding for equipment, staffing, and training that will improve firefighting effectiveness. Finally, proposed Mitigation Measure FPP-11, which was adopted into the FPPs approved by the SDRFPD and SDCFA, provides for de-energizing the Tule Wind Project in coordination with the fire agency liaison and SDG&E if necessary. Taken together, the Tule Wind Project will improve ground-based firefighting effectiveness, not diminish it.

With respect to aerial firefighting effectiveness, the Tule Wind Project's 138 kV transmission line has been designed to parallel the Sunrise Powerlink route. The Tule Wind 138 kV transmission line will be approximately 75' high, while the Sunrise Powerlink will be

³² Attachment D.15.2, Letter from James Pine, SDCFA, to Patrick Brown, County of San Diego (Feb. 28, 2011).

approximately 130' to 160' in height. Accordingly, the Tule 138 kV line will not add any significant vertical obstructions that will not already be part of the built environment. Furthermore, for those few places where the Tule Wind 138 kV transmission line does not parallel the Sunrise Powerlink, its 75' height will not impede aircraft maneuverability, or significantly increase the risk of contact by aircraft or water buckets. Water drops are performed at 150' above the ground, otherwise known as the "150 foot drop zone." The 138 kV transmission towers are proposed to be 75 feet in height, less than half the height of the "150 foot drop" zone. As noted above, the four (4) 10,000 gallon water tanks to be placed strategically throughout the project area will increase aerial firefighting effectiveness by providing helicopters quicker access to water recharging stations.

With respect to the 128 wind turbines proposed for the Tule Wind Project, the turbines are located approximately one-quarter mile apart in defined strings, which would allow helicopters to navigate around the towers. Pursuant to FAA regulations, all turbines will be equipped with safety lighting and low-reflectivity neutral white paint. These safety features will enable firefighting aircraft to operate safely around the turbines. Furthermore, due to the rugged nature of the terrain and existing Campo Wind Project turbines, aerial firefighting professionals already operating in the area are aware of and on the look-out for aerial impediments. Chief Nissen (SDRFPD) spoke with Ray Chaney (CAL Fire Battalion Chief, Special Ops Battalion), who stated that the determination to perform aerial operations would be made on a case by case basis and would not be prohibited just by the presence of the Tule Wind Project (Robin Church personal conversation with Chief Nissen). Aerial firefighting efforts would not be compromised by implementation of the Tule Wind Project.

Notably, both the SDRFPD and SDCFA have accepted FPPs prepared by Tule Wind, LLC's professional fire plan consultants that conclude that Impact FF-3 should be a Class II less than significant impact with mitigation, based on the foregoing analysis.

③ **Recirculation of the DEIR/DEIS Is Unwarranted**

As previously discussed above, and described in greater detail in a separate cover letter and supporting documentation, Tule Wind, LLC is providing minor modifications to the Tule Wind Project that reduce total impacts. These modifications do not warrant the recirculation any portion of the DEIR/DEIS for public review under the California Environmental Quality Act (CEQA).

The critical issue in determining whether recirculation is required is whether any new information added to an EIR is "significant." According to both the CEQA Guidelines and the California Supreme Court, new information is not "significant" unless it "deprives the public of a meaningful opportunity to comment upon a *substantial* adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." *Laurel*

Heights Improvement Ass'n v. Regents of Univ. of Cal., 6 Cal. 4th 1112, 1129 (1993) (emphasis in the original) (*Laurel Heights II*); see also Cal. Code Regs. tit. 14 § 15088.5(a).³³

The California Court of Appeal has held that a slightly revised project description is not significant new information requiring recirculation, as long as it creates no new environmental impacts. *Western Placer Citizens for an Agricultural & Rural Env't v. County of Placer*, 144 Cal. App. 4th 890, 906 (2006) ("Substantial evidence supports the County's decision not to revise and recirculate the FEIR to include the changed phasing and the relocation of the plant site. The evidence demonstrates the approved project is more environmentally sensitive than the [alternative] fully analyzed in the FEIR. . . . [T]he revised phasing created no new impacts from what was already discussed in the FEIR. CEQA did not require the County to delay the project further in order to evaluate the new project's reduced impacts on the environment."). Likewise, as noted in *Laurel Heights II*, "the Legislature did not intend to promote endless rounds of revision and recirculation of EIRs. *Recirculation was intended to be an exception, rather than the general rule.*" 6 Cal. 4th at 1132 (emphasis added).

Here, the Modified Project Layout does not warrant recirculation under CEQA. Put simply, nothing in the Modified Project Layout would deprive the public of a meaningful opportunity to comment, because the Modified Project Layout would not cause any new significant environmental impacts than those disclosed in the DEIR/DEIS. Rather, the Modified Project Layout will have similar, and in some instances *reduced*, impacts compared to those already analyzed. The CEQA Guidelines and related case law are clear that there is no need for recirculation when, as here, minor modifications do not result in new significant environmental impacts. Because the Modified Project Layout does not result in any new significant environmental impacts, but rather *reduces* environmental impacts, recirculation is unnecessary and unwarranted.

Overriding Considerations Merit Approval of the Tule Wind Project

There are a number of the Class I significant and immitigable impacts identified in the DEIR/DEIS that in fact should be Class II or Class III impacts, which have been mitigated below a level of significance, as noted in this comment letter, and described in detail in the attached tables of specific comments and suggested edits to the DEIR/DEIS. To the extent that the lead agencies conclude in the FEIR/FEIS, however, that Class I immitigable impacts remain, the record reflects that significant and abundant benefits associated with the Tule Wind Project, support a finding that specific overriding economic, legal, social, technological, or other benefits of the Tule Wind Project outweigh any remaining significant effects on the environment. See Pub. Res. Code § 21081(b).

In particular, the Tule Wind Project will provide the following significant benefits

³³ If judicially challenged, an agency's decision not to recirculate an EIR is reviewed under the deferential "substantial evidence" standard. *Laurel Heights II*, 6 Cal. 4th at 1120, 1133.

outweighing any significant impacts on the environment, including but not limited to:

- Generation of 201 MW of clean, renewable energy for the life of the Tule Wind Project;
- Direct and indirect economic benefits, including temporary and permanent jobs, on-going revenue generation for BLM, private property owners, the County of San Diego, the State Teacher's Retirement Fund, and the Ewiiapaayp Tribe;
- Contribution towards federal, as well as state, renewable energy policy goals;
- Contribution towards federal, as well as state, greenhouse gas and water use reduction goals, and reduce corresponding existing environmental impacts associated with climate change and water use;
- Improvement of air quality by reducing criteria air pollution emissions from traditional fossil fuel-fired electricity generation, and reduce corresponding existing environmental impacts associated with such air emissions;
- Meeting federal, as well as state, environmental stewardship and energy independence goals;
- Reducing environmental justice concerns by increasing the supply of clean, renewable energy; and
- Improving reliability of power delivery and retail price certainty (i.e., no fluctuating fuel costs for life of the Tule Wind Project).

Conclusion

IRI thanks the lead agencies for its careful consideration of these comments and supporting documentation, and respectfully requests modifications to the DEIR/DEIS suggested in these comments.

Yours Sincerely,



Jeffrey Durocher
Senior Permitting Manager