Comment Letter E1

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.

E1-1

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

IBERDROLA RENEWABLES, Inc.
1125 NW Couch St., Suite 700
Portland, OR 97209
Telephone (503) 796-7000
www.iberdrolarenewables.us

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

E1-1
Cont.

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.

E1-1
Cont.

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.

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.

E1-1
Cont.

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 (rnitka@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

The following material is considered Comment E1-1.

Attachment A

Figure 1 - Modified Project Layout

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

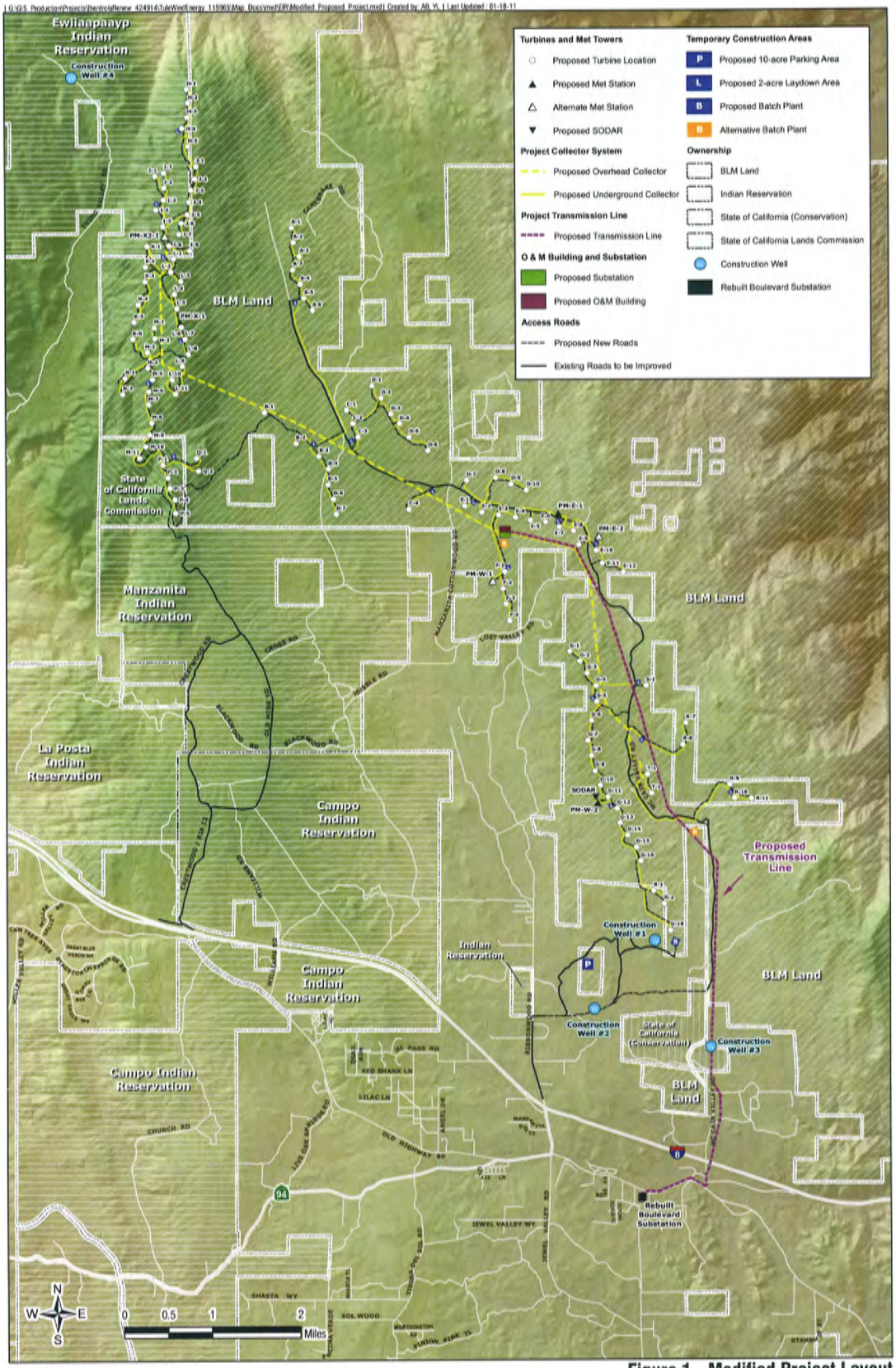


Figure 1 - Modified Project Layout

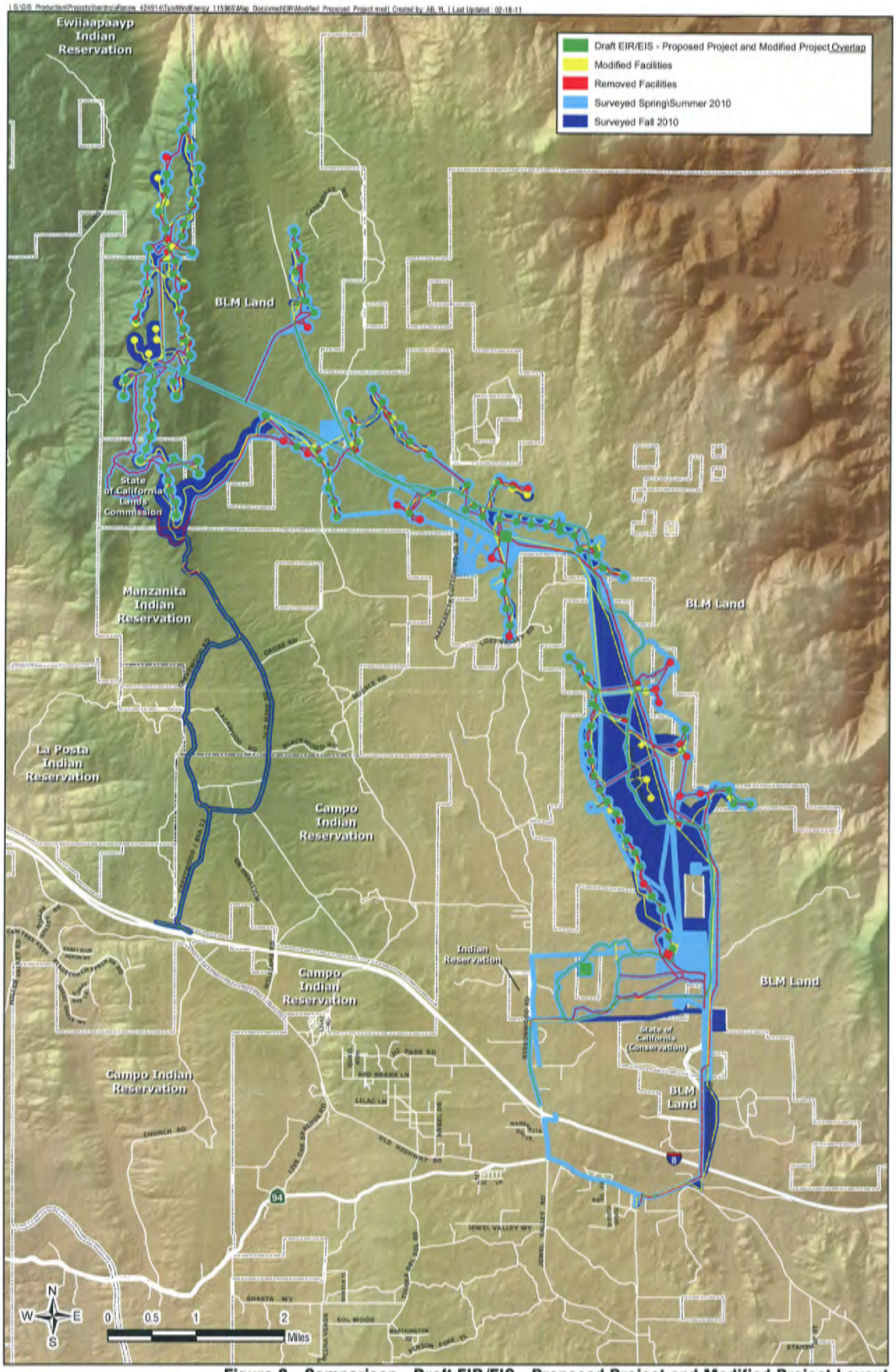


Figure 2 - Comparison - Draft EIR/EIS - Proposed Project and Modified Project Layout

The following material is considered Comment E1-1.

Attachment B

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

ATTACHMENT B

Table A
Key Project Components by Jurisdiction
Draft EIR/EIS Project Layout vs. Modified Project Layout

Jurisdiction	Turbine Count		Transmission Line (miles)		New Access Roads (miles)		Existing Roads to be Improved (miles)	
	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 (Ewiiaapaayp)	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)**

[1]The 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.

ATTACHMENT B

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)**
Differences Between Proposed and Modified Total Disturbed Acreage			(-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)**			

[1]108 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.

ATTACHMENT B

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

ATTACHMENT B

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)
Northen 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

ATTACHMENT C

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).

E1-2

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

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).

E1-2 Cont.

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,

E1-3

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.

E1-3 Cont.

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.

E1-4

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.

E1-5

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.

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.

E1-6

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.

E1-7

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

E1-8

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).

E1-8 Cont.

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).

E1-9

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.

E1-10

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 PM_{10} 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

E1-11

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).

E1-11 Cont.

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.

E1-12

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.

E1-13

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 (Geo-Logic, 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

E1-14

(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.

E1-14 Cont.

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).

E1-15

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 or 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.

E1-16

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.

E1-17

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 CO_2 emissions per year by displacing fossil-fuel based electricity generation, creating a net reduction in CO_2 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 (NOx), 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 (SOx), 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

E1-18

ATTACHMENT C

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).

E1-18
Cont.

Iberdrola Renewables, on behalf of Tule Wind, LLC, provided environmental topic matrices with comments on the Draft EIR/EIS. These matrices are referred to as Comments E1-19 through E1-43. See Volume 3, Responses to Comments, for these matrices and responses to comments contained within these matrices.

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
Project Lead
United States Bureau of Land Management
c/o Dudek
605 Third Street
Encinitas, California 92024

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).

E2-1

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

E2-2

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdrolarenewables.us

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.

E2-2 Cont.

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.

E2-3

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.

E2-4

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 Ewiiaapaayp 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 Ewiiaapaayp Tribe to have renewable generation on its land, the only identified opportunity for revenue from the Ewiiaapaayp reservation. IRI's investment in the County will also create additional

E2-5

[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").

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7761
www.iberdolarenewables.us

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).

E2-5 Cont.

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).

E2-6

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 PM_{10} emitted by fossil fuel-fired generation. The Tule Wind Project would offset 231,744 metric tons of CO_2 emissions per year by displacing fossil-fuel based electricity generation, creating a net reduction in CO_2 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 CO_2 emissions per year), the Tule Wind Project would offset 232,210 metric tons of CO_2 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 (NOx), 11.1 metric tons year of particulate matter 10 microns or less in size (PM_{10}), 14.7 metric tons year of carbon monoxide (CO), 3.8 metric tons per year of oxides of sulfur (SOx), 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).

E2-7

---

[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.

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdrolarenewables.us

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.

E2-8

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.

E2-9

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 eagles[7] 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

E2-10

[7] Section E.3.5 (p. E.22).

IBERDROLA RENEWABLES, Inc
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdrolarenewables.us

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 Ewiiaapaayp 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.

E2-10 Cont.

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]

E2-11

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.

E2-12

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.

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdrolarenewables.us

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 undergrounded 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.

E2-12 Cont.

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.

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdolarenewables.us

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.

E2-12 Cont.

E2-13

E2-14

(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

E2-15

[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.

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdrolarenewables.us

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

E2-15
Cont.

---

[19] Young, D.P., Jr., C. LeBeau, W. Erickson, S. Nomani, J.R. Boehrs, and B. Oakleaf. 2010. Status of Breeding Populations of Ferriguous 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.

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdolarenewables.us

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.

E2-15 Cont.

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.

E2-16

[24] See DEIR/DEIS p. D.2-154.

[25] See DEIR/DEIS p. D.10-66.

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdrolarenewables.us

Implementation of the setback would have a particular hardship on the Ewiiaapaayp 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 Ewiiaapaayp 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 Ewiiaapaayp 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.

E2-16 Cont.

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 Ewiiaapaayp 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

E2-17

[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, Ewiiaapaayp Band of Kumeyaay Indians, CSLC, and County of San Diego."

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdrolarenewables.us

votes on the Tule Wind Project's land use entitlements.[27] Finally, the Ewiiaapaayp 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.

E2-17 Cont.

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.

E2-18

---

[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, Ewiiaapaayp 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.

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdrolarenewables.us

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.

E2-18 Cont.

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.

E2-19

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.

E2-20

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

E2-21

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

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdolarenewables.us

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.

E2-21 Cont.

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.

E2-22

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.

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*

E2-23

IBERDROLA RENEWABLES, Inc
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdolarenewables.us

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).

E2-23 Cont.

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).

E2-24

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.

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7781
www.iberdolarenewables.us

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 Ewiiaapaayp 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).

E2-24 Cont.

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.

E2-25

Yours Sincerely,

Jeffrey Durocher
Senior Permitting Manager

IBERDROLA RENEWABLES, Inc.
1125 NW Couch Street, Suite 700
Portland, OR 97209
Telephone (503) 796-7701
www.iberdrolarenewables.us

Comment Letter E3

From: Wrazen, Linda <LWrazen@semprautilities.com>
Sent: Friday, March 04, 2011 6:47 PM
To: ECOSUB; 'catulewind@blm.gov'; Fisher, Iain (iain.fisher@cpuc.ca.gov); 'nms@cpuc.ca.gov'
Cc: de Llanos, Estela; O'Beirne, Kevin
Subject: Comments of SDG&E - Joint Draft EIR/EIS for East County Substation Project
Attachments: SDGE ECO DRAFT EIR-EIS Comments (03-04-11S).pdf

San Diego Gas & Electric Company (SDG&E) submits the attached comments to the California Public Utilities Commission (CPUC) and the United States Department of Interior, Bureau of Land Management (BLM) on the Joint Draft Environmental Impact Report/Draft Environmental Impact Statements (EIR/EIS) for the East County Substation Project. E3-1

In addition, SDG&E will be sending hard copies via Fedex to the recipients of this e-mail.

Please contact me with any questions you may have.

Best regards,

Linda Wrazen
Regulatory Case Administrator
San Diego Gas & Electric
858-637-7914 (office)
858-525-2385 (cellular)
lwrazen@semprautilities.com

SDGE
A Sempra Energy utility®

Michael R. Niggli
President & Chief Operating Officer

8330 Century Park Ct
San Diego • CA 92123-1530

Tel: 858.650.6175
Fax: 858.650.6106
MNiggli@SempraUtilities.com

March 4, 2011

Mr. Iain Fisher, California Public Utilities Commission
Mr. Greg Thomsen, U.S. Department of the Interior, Bureau of Land Management
c/o Dudek
605 Third Street
Encinitas, California 92024

Re: Joint Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for East County Substation Project (State Clearinghouse No. 2009121079; DOI-BLM-CA-D070-2010-0027-EIS (ECO SUB)

Dear Mr. Fisher and Mr. Thomsen:

San Diego Gas & Electric Company (SDG&E) submits the attached comments to the California Public Utilities Commission (CPUC) and United Stated Department of Interior, Bureau of Land Management (BLM) on the Joint Draft Environmental Impact Report/Draft Environmental Impact Statement (EIR/EIS) for the proposed East County Substation Project (ECO Substation Project or Project).

SDG&E commends CPUC and BLM on their comprehensive analysis and consideration of the ECO Substation Project, as well as a number of other renewable energy projects that may interconnect with SDG&E transmission facilities in the future. The Draft EIR/EIS documents the extraordinary effort by CPUC and BLM to predict the future potential environmental impacts of multiple projects and to maximize public disclosure of those potential impacts. The Draft EIR/EIS far exceeds the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

E3-1 Cont.

SDG&E believes that in an effort to disclose all possible future impacts, the Draft EIR/EIS conservatively and unnecessarily combines distinct projects and overstates the future potential environmental impacts. As explained in more detail below, SDG&E urges the CPUC and BLM to prepare and certify the Final EIR/EIS and approve the ECO Substation Project without further delay for the following reasons:

- As required by CEQA and NEPA, the Draft EIR/EIS is "adequate," "complete," and represents more than a "good faith effort" at full disclosure. In an effort to consider and disclose even the most remote impacts, the CEQA/NEPA document for the ECO Substation Project has evolved into a joint Draft EIR/EIS for the ECO Substation and *five* renewable energy projects that are beyond the scope of SDG&E's Permit to Construct (PTC) application, and none of which are subject to CPUC approval.[1]

E3-2

[1] In addition to the ECO Substation Project, the Draft EIR/EIS analyzes five renewable energy projects: the Energia Sierra Juarez Gen-Tie and Tule Wind projects, which are considered at the "project level," and the Campo Wind, Manzanita Wind, and Jordan Wind projects, which are analyzed at a "programmatic" level.

- SDG&E has determined that the environmentally superior alternative to the ECO Substation Project identified in the Draft EIR/EIS is feasible and has revised the ECO Substation Project accordingly. This environmentally superior alternative includes changes to the substation footprint and the undergrounding of a segment of the 138kV line. SDG&E has conducted additional analysis to confirm that these changes to the ECO Substation Project are feasible and will not result in substantial new impacts or trigger recirculation of the Draft EIR.

- The Draft EIR/EIS concludes that construction of this modified version of the ECO Substation Project is environmentally superior to not constructing the ECO Substation Project. SDG&E agrees with this conclusion.

- The Draft EIR/EIS conclusion that the No-PROJECT Alternative, (*i.e.*, not constructing *any* of the projects described in the Draft EIR/EIS) is environmentally superior to constructing *all* of the projects – after coming to the opposite conclusion on an individual project-by-project basis – defies logic and common sense. The EIR/EIS underestimates the environmental benefits of building the PROJECT and the environmental harms of *not* building the PROJECT should be taken into greater consideration.

- The Draft EIR/EIS is the product of well over a year of analysis and consideration by multiple federal, state, and local agencies. SDG&E originally filed its application for a PTC to construct the ECO Substation Project in August 2009. In an effort to present the most up-to-date analysis possible, the Draft EIR/EIS was delayed until December 2010 to incorporate evolving information about other projects considered in the document.

- The BLM and CPUC have provided extraordinary opportunities for public review and comment. The original 54-day period to allow for public comments on the Draft EIR/EIS was extended to 70 days in an effort to provide the broadest possible opportunity for public comment. For an EIR prepared under CEQA, anything over 60 days is considered unusual.[2] In addition, the CPUC and BLM have held multiple meetings in the community to solicit public input.

- The conservative analysis presented in the Draft EIR/EIS overestimates the impacts of the ECO Substation Project. The Draft EIR/EIS overstates the potential significant impacts associated with the ECO Substation Project and in some cases recommends mitigation measures that are unnecessary or disproportionate to the impact.

E3-2
Cont.

These projects will not be constructed by SDG&E and therefore are not subject to CPUC jurisdiction. Depending on the ultimate scope and location of these projects, CPUC approval may be required for electric public utility facilities related to these projects. As noted in the Draft EIR/EIS, these projects will be subject to future project-specific environmental review.

2 Under CEQA Guidelines section 15105, the public review period for a draft EIR "should not" exceed 60 days "except in unusual circumstances."

- Specific overriding considerations outweigh any potential environmental impacts of the ECO Substation Project. The ECO Substation Project will provide substantial benefits that must be considered. These benefits include facilitating California's renewable energy goals within a reasonable timeframe, advancing the State's efforts to reduce its carbon emissions consistent with Assembly Bill 32 (Stats. 2006, ch. 488), furthering federal energy policies and goals, creating an interconnection hub for renewable generation, improved service reliability throughout several communities in East San Diego County, and helping to create green jobs while boosting the local and regional economy.

- Any further delay of the ECO Substation Project will *impede* implementation of federal and state renewable energy requirements and policy objectives. The Project must move forward in a timely manner to facilitate compliance with California's ambitious Renewable Portfolio Standards (RPS) and greenhouse gas reduction requirements. Failure to do so will impede the ability to meet State and CPUC requirements and policy goals. SDG&E reached approximately 12% RPS by year-end 2010 and further Project delays jeopardize its ability to meet its goals and state mandates. Opponents to any of the six projects evaluated in the Draft EIR/EIS can be expected to argue for additional delay and recirculation in an effort to derail one or more of the individual projects. The Draft EIR/EIS is a conservative robust analysis that does not require recirculation.

E3-2 Cont.

Additional support for these points is contained in the attached materials prepared by the ECO Substation Project team.

For all of the foregoing reasons, SDG&E respectfully requests that the CPUC and BLM prepare and certify the Final EIR/EIS, and that the Final EIR/EIS: (1) acknowledge that the "No ECO/Tule/ESJ or Campo/Manzanita/Jordan" Alternative is neither environmentally superior, nor preferred by the agencies, nor feasible; (2) reflect the most accurate project description for the ECO Substation Project as discussed in Attachment A – Updated Project Description and ECO Substation Alternative Site; (3) revise the mitigation measures identified for the ECO Substation Project as proposed in Attachment B – Proposed Mitigation Measure Revisions; and (4) incorporate the technical corrections and clarifications described in Attachment C – Technical Corrections and Clarifications. Overriding considerations that should be considered by the CPUC are discussed in more detail in Attachment D. In addition, because there is no need given the conservative and comprehensive approach in the Draft EIR/EIS, SDG&E urges the CPUC and BLM not take the extraordinary step of recirculating the Draft EIR/EIS.

E3-3

SDG&E appreciates this opportunity to comment on the ECO Substation Project and looks forward to receiving the Final EIR/EIS for the ECO Substation Project.

Sincerely,

Michael R. Niggli
President and Chief Operating Officer
San Diego Gas & Electric Co.

DETAILED COMMENTS ON THE DRAFT EIR/EIS

> *An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

Cal. Code Regs. tit. 14, § 15151.

SDG&E proposes to construct the ECO Substation Project to improve service reliability to communities in Eastern San Diego County and to provide an interconnection hub for renewable generation developed near the existing Southwest Powerlink (SWPL) 500 kilovolt (kV) transmission line. As a California public utility, SDG&E is required to provide reliable electric service to all of its customers. Consistent with this obligation, a primary objective of the ECO Substation Project is to improve service reliability for the communities of Bankhead Springs, Boulevard, Jacumba and Manzanita, as well as the Campo, La Posta, and Manzanita Indian Reservations, which experience periodic outages due to a long radial 69 kV transmission system as the only source.

In addition, consistent with state RPS requirements and federal policy initiatives, SDG&E is committed to developing renewable energy to meet demand for electricity, California's RPS goals and greenhouse gas (GHG) reduction requirements. SDG&E is also required by federal law, including Federal Energy Regulatory Commission (FERC) regulations, to provide interconnection service to Independent Power Producers. Since SDG&E submitted the application for a Permit to Construct in August 2009, the need for the ECO Substation Project has increased considerably as the interconnection queue has grown by hundreds of megawatts (MW) of wind and solar energy.[3] The ECO Substation Project will create an interconnection hub into which renewable generation can connect at three voltage levels—138 kV, 230 kV, and 500 kV—reducing the potential or need for constructing a series of switching stations (as part of the renewable projects' licensing and construction) and other facilities along SWPL. The proposed voltage levels would economically facilitate interconnection of generation projects of different sizes to the appropriate voltage.

E3-4

SDG&E fully appreciates the CPUC and BLM's respective obligations under CEQA and NEPA to analyze, disclose and mitigate where feasible the environmental effects of the ECO Substation Project.

E3-5

[3] At the time SDG&E filed its PTC application, there were three projects seeking interconnection at ECO for a total of 1,120 MW and two projects seeking interconnection at Boulevard 138 kV with a total capacity of 361 MW. Today there is an additional 20 MW project interconnecting to the ECO 138 kV bus, and the number of projects requesting interconnection at Boulevard 138 kV is five with a total capacity of 596.5 MW. One has an executed LGIA, two are in the Phase II of the CAISO study process and one is in the Phase I study process. There are also two projects in the SGIP process totaling 40 MW for connection at 138 kV and one 5 MW project interconnection at the 12 kV. No additional details are available at this time about any of these projects, all of which are renewable resource projects.

E3-4a

The Draft EIR/EIS fully complies with both CEQA and NEPA, and the CPUC and BLM have satisfied their respective obligations to analyze and disclose the environmental effects of the ECO Substation Project.

E3-5 Cont.

SDG&E is troubled, however, by the suggestion that it is environmentally superior for *none* of the projects described in the Draft EIR/EIS to be constructed. This conclusion ignores the legislative and regulatory context of policies and requirements to develop renewable energy, as well as the environmental consequences of not constructing any renewable energy projects in southeastern San Diego County. In addition, SDG&E believes that in an extraordinary effort to portray a "worst-case" analysis of the potential environmental impacts, the Draft EIR/EIS vastly overstates the effects of the ECO Substation Project and proposes mitigation measures that are unwarranted or disproportionate to the impacts.

E3-6

The projects evaluated under the Draft EIR/EIS are, in fact, separate projects. The Draft EIR/EIS, in an extreme effort to "belt and suspender" compliance with CEQA and NEPA, takes the conservative position that SDG&E's ECO Substation Project, Iberdrola's Tule Wind Project, Sempra Generation's ESJ Wind Project, Campo/Invenergy's Wind Project, the Manzanita Tribe's Manzanita Wind Project, and Enel Green Power's Jordan Wind Project[4] – should be all evaluated as one PROJECT, by virtue of their proposed (and sometimes geographically remote) physical connection to the ECO Substation Project –even though with the exception of the ECO Substation Project, none of the subsequent projects are subject to CPUC approval under the California Public Utilities Code. The BLM has already indicated that separate Records of Decision will be prepared for the ECO Substation and Tule Wind Projects, and the CPUC has acknowledged that: (1) it has no jurisdiction over the Tule Wind Project or ESJ Project and that (2) subsequent project-specific environmental review would be conducted for the Jordan, Campo or Manzanita projects by jurisdictional agencies after the programmatic review completed here for these three projects.[5] Although the Draft EIR/EIS could have reviewed the six projects as separate, cumulatively considerable projects, the Draft EIR/EIS instead conducts a detailed, *project-level* analysis of three projects (e.g., ECO, Tule and ESJ). This level of detail for the six projects far exceeds CEQA's and NEPA's requirements.

E3-7

In light of the extensive amount of environmental analysis and worst-case assumptions, the Draft EIR/EIS more than adequately discloses and addresses the environmental impacts associated with the ECO Substation Project. SDG&E therefore urges the CPUC and BLM to prepare and certify a Final EIR/EIS for that project at this time. While SDG&E does not believe questions remain about the other

E3-8

---

[4] The Jordan project is now called the Jewel Valley Project. SDG&E does not express any views on the analysis of the other projects described in the Draft EIR/EIS.

[5] The Draft EIR/EIS contains multiple references to the fact that this document provides programmatic review of the Campo, Manzanita and Jordan wind projects. *See* Executive Summary at 3-4, 13; Introduction/Overview at A-2; Project Description at B-1. *See In re Bay-Delta Programmatic EIR Coordinated Proceedings*, 43 Cal. 4th 1143, 1174-75 (2008) (An agency has discretion under CEQA to reserve project-level analysis for specific projects until it is considering approval of those specific projects.).

E3-7a

projects evaluated in the Draft EIR/EIS, to the extent they do, SDG&E urges the CPUC and BLM to prepare and certify the Final EIR/EIS and allow any questions about those projects to be resolved in the context of the project specific review and approvals required separately for those projects.

E3-8 Cont.

This letter respectfully requests that the CPUC and BLM prepare and certify the Final EIR/EIS to (1) acknowledge the potential environmental consequences associated with not constructing any of the renewable energy projects described in the Draft EIR/EIS and clarify that the "No PROJECT" alternative is not environmentally superior or preferred by the agencies; (2) reflect modifications to the ECO Substation Project that include, among other things, selection of the "ECO Substation Alternative Site" identified in the Draft EIR/EIS as environmentally superior; (3) revise the proposed mitigation measures for the ECO Substation Project that, as discussed below, are either not warranted by the potential impacts, not feasible, or redundant; and (4) incorporate the additional technical information and corrections for inclusion in the Final EIR/EIS.

E3-9

THE "NO ECO/TULE/ESJ/CAMPO/MANZANITA/JORDAN" PROJECT ALTERNATIVE IS NEITHER FEASIBLE NOR ENVIRONMENTALLY SUPERIOR AND SHOULD BE REJECTED

The Draft EIR/EIS presents a recommendation regarding the environmentally superior alternative. While finding that each of the three individual projects—ECO Substation, Tule Wind and ESJ Gen-Tie—should be developed and is environmentally superior to the individual no project alternatives, the Draft EIR/EIS concludes that the scenario in which none of the projects described in the Draft EIR/EIS[6] is constructed is environmentally superior to construction of the projects. The Draft EIR/EIS immediately follows that recommendation with the consequences that would occur should the projects not be developed:

> *There would be no new renewable energy source in the southeastern portion of San Diego County, and consequently, the region may not meet its California RPS program and associated Executive Order requirements to develop renewable energy on federal lands in compliance with the Energy Policy Act of 2005. The southeastern energy transmission system servicing the Boulevard, Jacumba, and other surrounding communities would remain unstable.*

(Draft EIR/EIS at ES-24.)

E3-10

The No PROJECT Alternative is Not Feasible and Fails to Meet Project Objectives

The suggestion that not constructing *any* renewable energy projects could be environmentally superior flies in the face of extensive climate change policies and requirements developed over the last decade. The State of California, the federal government and project initiatives have established a foundation for the development of renewable resources, as recognized in the Draft EIR/EIS. In 2002, Senate Bill 1078 established the RPS program, requiring 20% renewable energy by 2017. The 2003

E3-11

[6] Under No Project Alternative 1, the proposed "PROJECT" includes the ECO Substation, Tule Wind, ESJ Gen-Tie, Campo Wind, Manzanita Wind, and Jordan Wind projects. The cumulative "No PROJECT" scenario assumes that none of these projects would be constructed.

Energy Action Plan accelerated the RPS deadline to 2010. In 2006, Senate Bill 107 codified the accelerated deadline into law. The 2005 Energy Action Plan examined a further goal of 33% by 2020. The State legislature adopted Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, which mandates that California reduce GHG emissions to 1990 levels by 2020. The Governor's 2008 Executive Order S-14-08 formally set the target of 33% by 2020. The Governor also issued Executive Order S-21-09, which directed the California Air Resources Board (CARB) to adopt regulations consistent with the Executive Orders.[7] Draft EIR/EIS at D.18-8 to 12.

In response to this extensive list of California laws, mandates and orders, there have been a number of initiatives involving widespread stakeholders with the objective of developing plans to meet these critical renewable goals. The Renewable Energy Transmission Initiative (RETI) is a statewide initiative established to help identify the transmission projects needed to accommodate these renewable goals, support future energy policy, and facilitate transmission corridor designation and transmission and generation siting and permitting. The RETI effort is supervised by a coordinating committee including the CPUC, the California Energy Commission (CEC), the California Independent System Operator (CAISO) and various publicly owned utilities, with participation by a broad range of stakeholders, including the State's investor-owned utilities.

Another initiative includes the California Transmission Planning Group (CTPG), which is a forum for conducting joint transmission planning and coordination of transmission activities in order to meet the State's 33% by 2020 RPS goal. This effort is seeking to leverage a diverse portfolio of renewable energy generation technologies available to supply projected electricity demand in concert with the energy goals and mandates of the State of California.

E3-11
Cont.

The State of California has clearly paved the road for the development of renewable resources and the reduction in greenhouse gas emissions with ambitious legislation and policies. The Draft EIR/EIS agrees in stating that "The Proposed PROJECT is an important element in developing additional renewable energy resources required to meet the current and future California RPS and federal Energy Policy Act goals for developing renewable energy." Draft EIR/EIS at A-8. The CPUC's identified project objectives specifically embrace these policies, namely:

> *C-1 Accommodate delivery of renewable energy to meet state and federal renewable energy goals from wind and solar sources in San Diego County.*
>
> *C-2 Meet California's RPS program requiring utilities to purchase 20% of energy from renewable sources by 2010.*

---

[7] On September 23, 2010, pursuant to its authority under Assembly Bill 32 (AB 32), the California Air Resources Board adopted the "Renewable Electricity Standard" (RES), which requires a 33% by 2020 renewable energy procurement mandate for most retail sellers of electricity in California, including but not limited to SDG&E. The RES is an independent requirement from California's existing RPS. California Air Resources Board, Resolution 10-23 (Sept. 23, 2010), available at http://www.arb.ca.gov/regact/2010/res2010/res1071attb.pdf.

C-3 Meet the Governor's Executive Order S-14-08 that increased the RPS goal to 33% by 2020.

C-4 Improve the reliability of power delivery to the communities of Boulevard, Jacumba and surrounding communities.

Draft EIR/EIS at A-11.

In light of these policies and requirements, not constructing "*any other* new renewable energy source in the southeastern portion of San Diego County" is not a feasible alternative and should be rejected.[8] All of the projects described in the Draft EIR/EIS are located in an area that is considered rich in renewable resources and was identified in the CPUC-sponsored studies as a Competitive Renewable Energy Zone (CREZ).[9] A primary objective of the ECO Substation Project is to meet SDG&E's RPS commitments and to accommodate the delivery of renewable energy according to regulatory and legislative timetables. The Final EIR/EIS should acknowledge that the "No PROJECT" alternative is simply not feasible under the circumstances. Indeed, in the recently issued Final EIR/EIS for the Eldorado-Ivanpah Transmission Project (November 2010) (at pp. 4-7), the CPUC found that the No Project/No Action Alternative would not meet the agency's project objectives, and thus determined that the environmentally superior alternative is the proposed project to build the transmission line for a solar project. The same finding should be made here.

E3-11 Cont.

The Final EIR/EIS Should Acknowledge the Environmental Consequences of the No PROJECT Alternative

The conclusion that the "No PROJECT" alternative is environmentally superior ignores the adverse environmental consequences of not constructing the ECO Substation, Tule, ESJ, Campo, Manzanita, Jordan, "*or any other* new renewable energy source in the southeastern portion of San Diego County." CEQA and NEPA require that the CPUC and BLM consider the environmental consequences of no other new renewable energy source being constructed in the southeastern area of San Diego County.

E3-12

---

[8] CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." Cal. Pub. Res. Code § 21061.1. *See also Seattle Audubon Soc'y v. Mosley*, 80 F.3d 1401, 1404 (9th Cir. 1996) (per curiam) (A federal agency is under no obligation to consider "alternatives that are unlikely to be implemented or those inconsistent with its basic policy objectives"); *Laguna Greenbelt, Inc. v. U.S. Dep't of Transp*., 42 F.3d 517, 525 (9th Cir. 1994) (rejecting alternative that did not meet project purpose and need).

[9] In adopting Senate Bill (SB) 1078 in 2002, the Legislature made it clear that the CPUC should facilitate the construction of new transmission facilities necessary to accommodate the development of renewable resources in the state. In particular, California Public Utilities Code Section 399.2.5, adopted as part of SB 1078, directs the CPUC to approve construction of transmission facilities that facilitate the achievement of the renewable power goals established by that law, and further directs the CPUC to support actions that are necessary to assure that the costs of such transmission facilities are included in retail electricity rates.

E3-11a

CEQA Guidelines section 15126.6(e) explains that the purpose of identifying the "no project" alternative "is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." In many cases, the "no project" alternative simply describes the circumstances under which the project does not proceed. This appears to be the approach taken in the Draft EIR/EIS. In other cases, however, the environmental consequences of not constructing the proposed project should be discussed:

> *If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed. In certain instances, the no project alternative means "no build" wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.*

Cal. Code Regs. tit. 14, § 15126.6(e)(3)(B). Once the no project alternative has been identified, CEQA requires the lead agency to "analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." Cal. Code Regs. tit. 14, § 15126.6(e)(3)(C). Similarly, U.S. Department of the Interior NEPA regulations (which are applicable to the BLM) expressly provide that "[t]he analysis of the effects of the no-action alternative may be documented by contrasting the current condition and expected future condition should the proposed action not be undertaken with the impacts of the proposed action and any reasonable alternatives." 43 C.F.R. § 46.415(b)(1). This is consistent with guidance from the Council on Environmental Quality (CEQ), which states:

> *[w]here a choice of "no action" by the agency would result in predictable actions by others, this consequence of the "no action" alternative should be included in the analysis. For example, if denial of permission to build a railroad to a facility would lead to construction of a road and increased truck traffic, the EIS should analyze this consequence of the "no action" alternative.*

See CEQ, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, Question #3, 46 Fed. Reg. 18026 (1981).

Where, as here, non-approval will result in foreseeable environmental consequences, those consequences should be discussed. The Final EIR/EIS need only acknowledge the practical results of the No PROJECT alternative; neither CEQA nor NEPA demands a quantitative analysis.

E3-12 Cont.

The Draft EIR/EIS takes this approach in the analysis of the "No ECO Substation Project," which finds:

> *"Under the No Project Alternative 2, the ECO Substation Project would not be built, and the conditions in the existing energy grid and local environment would remain. Without the ECO Substation Project, there would not be an interconnection hub that would enable renewable generation such as the ESJ Gen-Tie or Tule Wind projects to connect to the grid. Additionally,*

E3-13

energy transmission would remain unreliable in the Boulevard, Jacumba, and surrounding communities. Planned generation facilities in the project area would require additional miles of transmission line to reach an interconnection point and possibly multiple connection points on SDG&E's existing transmission system. In addition, new substations to be constructed by each generator might be required to connect the generation facilities to the grid.

(Draft EIR/EIS at E-12.)

And most importantly, the Draft EIR/EIS concludes that:

"Development of these facilities under the No ECO Substation Project Alternative (No Project Alternative 2) ***may actually increase impacts when compared to the ECO Substation Project, and therefore it was determined not to be environmentally superior.*** *"* (Emphasis added.)

(Draft EIR/EIS at E-12.)

E3-13 Cont.

The environmental consequences of not constructing *any* new renewable energy source in southeastern San Diego County are considerable and well-documented. These include continued and new reliance on fossil fuel fired generation and the associated GHG emissions, such as carbon dioxide (CO_2), that these carbon-based sources create. As the CEC stated in its *2009 Integrated Energy Policy Report*, renewable energy will "help achieve a significant portion of [CARB's] target for GHG emission reductions from the electricity sector" and the RPS "is an essential tool to help the state reduce its GHG emissions." CEC, *2009 Integrated Energy Policy Report*, CEC -100-2009-003-CMF, at 77 (Dec. 2009). The CEC finds that "[m]eeting RPS goals depends in large part on building new transmission lines to access remote renewable resources." *Id*. at 26. Both the CPUC and the CEC have aggressively promoted renewable energy and recommended 33% renewables as a key to reducing GHG emissions that would otherwise be caused by fossil-fuel generation. *See* CPUC Decision D.08-10-037 in Rulemaking (R.) 06-04-009 (Oct. 2008) (decision representing joint effort by CPUC and CEC to recommend GHG regulatory strategies to CARB, including modeling that demonstrates significantly reduced GHG associated with renewable energy development, particularly on an accelerated basis); CEC, *Final Opinion on Greenhouse Gas Regulatory Strategies*, Docket No. 07-OII-1 (Oct. 28, 2008).

It is this area specifically that the Draft EIR/EIS understates the potential beneficial impacts on the environment associated with the "PROJECT" by understating the environmental consequences of the "No PROJECT" alternative. As noted above, one of the primary purposes of the ECO Substation Project is to create an interconnection hub for renewable generation along SDG&E's existing SWPL transmission line, and indeed, a key basic purpose, need, and benefit of the various proposed renewable energy projects is to reduce reliance on fossil fuel generation. In reviewing the otherwise robust GHG analysis contained in the Draft EIR/EIS, while it recognizes that the proposed projects would decrease overall emissions attributable to electric generation in California,[10] the Draft EIR/EIS fails to acknowledge the GHG

E3-14

[10] *See* Draft EIR/EIS at § D.18 (climate change) generally; D.18-16 (finding impacts less than significant (Class III) and stating: "[i]n addition, the [ECO] project would facilitate interconnection of renewable sources of energy, thereby potentially deceasing overall emissions attributable to electric generation in California."); *id*. at D.18-18 (same finding with respect to the Tule Project and stating: "[i]n addition, the project would create a renewable sources of energy, thereby potentially decreasing overall emissions

benefits and consequences of *not* approving the PROJECT when it selects the No-Project Alternative 1 as the CEQA Environmentally Superior Alternative. Rather, the analysis states only that if the PROJECT is not built, "existing conditions would remain at these sites" and "Climate change impacts resulting from the Proposed PROJECT would not occur." *See* Draft EIR/EIS at D.18-32 to 33. But less costly and more efficient renewable energy would be expected to displace fossil-fuel generation on the SWPL and as a result, less fossil fuel generation would result in less GHG emissions. SDG&E believes that the No Project analysis contained in the Draft EIR/EIS should be amplified to include a more robust recognition that if the ECO Substation Project and other projects are not approved, there will be no commensurate reduction of GHG emissions from other fossil-fuel power plants. *See* Draft EIR/EIS at D.18-32 to 34; *see also id*. at F-206 (discussing cumulative impacts of No Project Alternative 1; same); *id*. at 207 (finding under No Project Alternative 3 that while GHG would be reduced during construction if the Tule Wind project is not built, "it would also lose some of the GHG offsets attributable to such projects.").

E3-14 Cont.

Prior CPUC, BLM and U.S. Forest Service CEQA and NEPA documents evaluate the beneficial effects of reduced GHG emissions due to decreased emissions from fossil-fuel fired power plants resulting from the development of renewable energy sources. By way of example, the Tehachapi Renewable Transmission Project Final EIS (September 2010) at pages 3.3-27 to 28 states that the No-Action Alternative assumes that existing transmission lines and power plants would continue to operate and that "[t]he forecast net decrease in emissions from power plants . . . would not occur with implementation of the No Project Alternative (CAISO, 2008)."). It also finds (at pages 3.3-40 to 41), that "the Project's purpose would implement key strategies for mitigating climate change proposed by the California Energy Commission and the IPCC to improve transmission and increase renewable energy use. Therefore, the Project would provide a beneficial GHG emissions impact."[11] Similarly, the Desert Sunlight Solar Farm and Red Bluff Substation Draft EIR/EIS (August 2010) (at pages 4.5-35 to 36) acknowledge that under No-Action, "none of the benefits of the Proposed Project in displacing fossil fuel fired generation and reducing associated pollutant emissions would occur." *See also id.* at 4.5-14 to 15 (greenhouse gas emissions avoided by displacing fossil fuel power generation); *id* at 4.5-39 (cumulative analysis recognizing that action alternatives "would displace alternative power generation for SCE and PG&E, resulting in an indirect climate change benefit by avoiding future greenhouse gas emissions from alternative power generation facilities."); Appendix D-5 (greenhouse gas emission avoided through

E3-15

attributable to electric generation in California."); *id*. at D.18-19 (same with respect to ESJ); *id*. at D.18-20 ("Over their lifespans, the individual ECO Substation, Tule Wind, and ESJ projects, as well as the Proposed PROJECT as a whole, would assist in the attainment of the state's goals by utilizing a renewable source of energy that could displace electricity generated by fossil-fuel powered plants. The Proposed Project, along with the proposed Campo, Manzanita, and Jordan wind projects would therefore be consistent with state initiatives aimed at reducing GHG emissions, and impacts would therefore not be adverse.").

[11] *See also* TRTP Final EIS at 3.3-33 to 35 ("Project indirect emissions are comprised of the Project's impact on the transmission grid and operation of existing and forecast power plants. . . . Additionally, the proposed Project's transmission of renewable energy is assumed to help impel an indirect emission decrease and an overall emissions decrease.").

displacement of alternative power generation sources). Neither of these projects has identified or selected a No Project Alternative as environmentally superior.

SDG&E urges the CPUC and BLM to more fully consider the avoided GHG emissions associated with the proposed projects in the Final EIR/EIS, and believes that once consideration of these environmental benefits are more fully integrated into the environmental review process, the PROJECT will emerge as the environmentally superior alternative under CEQA.

E3-15 Cont.

THE ECO SUBSTATION PROJECT HAS BEEN MODIFIED TO INCORPORATE THE ENVIORNMENTALLY SUPERIOR ECO SUBSTATION PROJECT ALTERNATIVE

The Draft EIR/EIS identifies two categories of modifications that, taken together, will result in an environmentally superior alternative to the ECO Substation Project. These modifications include a shift in the location of the ECO Substation Project and the partial undergrounding of the proposed overhead 138 kV line. SDG&E has confirmed the feasibility of these changes and modified the Project to reflect these environmentally superior changes to the ECO Substation Project.[12] As a result, the ECO Substation Project will result in fewer impacts than previously identified in the Draft EIR/EIS.

E3-16

These modifications to the ECO Substation Project, some of which were previously submitted to the CPUC on April 30, 2010 and October 7, 2010, are described in more detail in Attachment A – Updated Project Description and ECO Substation Alternative and should be reflected in the Final EIR/EIS.[13]

THE DRAFT EIR/EIS OVERSTATES THE ENVIRONMENTAL IMPACTS OF THE ECO PROJECT AND INCLUDES UNWARRANTED, INFEASIBLE OR DISPROPORTIONATE MITIGATION

The Draft EIR/EIS classifies several potential impacts of the ECO Substation Project as "Class 1: significant and unavoidable," and recommends specific mitigation measures to address these impacts. SDG&E believes that in several instances, the analysis contained in the Draft EIR/EIS is unduly conservative, resulting in overstated environmental impacts and mitigation measures that are not warranted and in some cases not feasible. Under CEQA, mitigation measures must be "roughly proportional to the impacts of the project." Cal. Code Regs. tit. 14, § 15126.4(a)(4)(B), citing *Dolan v. City of Tigard*, 512 U.S. 374 (1994). In addition, SDG&E believes that some of the proposed mitigation

E3-17

---

[12] Although the Draft EIR/EIS identified a specific route for the segment of transmission line to be undergrounded, SDG&E has refined the "ECO Partial Underground 138 kV Transmission Route Alternative" described in the Draft EIR/EIS to more closely follow existing road alignment, improve engineering constructability and minimize impacts on biological resources. These refinements do not reduce the length of overhead line that will be undergrounded.

E3-16a

[13] None of these changes trigger recirculation of the Draft EIR/EIS. Under CEQA, "Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." Cal. Code Regs. tit. 14, § 15088.5. Under NEPA, agencies are only required to supplement an EIS if there is a change in a proposed action or new information showing that the action will affect the quality of the human environment "in a significant manner or to a significant extent not already considered." *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 374 (1980)(emphasis added).

E3-16b

measures should be revised or deleted to ensure consistency with prior CPUC precedent on comparable projects and to eliminate redundancy. Attachment B – Proposed Mitigation Measure Revisions identifies suggested revisions to the mitigation measures, together with the supporting rationale, that would address these concerns.

E3-17 Cont.

ADDITIONAL TECHNICAL CORRECTIONS AND CLARIFICATIONS SHOULD BE INCORPORATED INTO THE FINAL EIR/EIS TO REFLECT AN ACCURATE AND COMPLETE ADMINISTRATIVE RECORD

E3-18

In addition to the foregoing comments, SD&GE has identified several technical corrections and clarifications that should be incorporated into the Final EIR/EIS to ensure an accurate and complete document. Those technical corrections and clarifications are identified in Attachment C – Technical Corrections and Clarifications.

EVEN IF THE FINAL EIR/EIS CONCLUDES THAT THE ECO SUBSTATION PROJECT RESULTS IN SIGNIFICANT UNMITIGABLE IMPACTS, SPECIFIC OVERRIDING CONSIDERATIONS WARRANT APPROVAL OF THE ECO SUBSTATION PROJECT

E3-19

As discussed above and in the attached materials, the Draft EIR/EIS erroneously concludes that the ECO Substation Project will result in unavoidable significant impacts. Even if this conclusion were correct; however, "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project."[14] Specific examples of the applicable benefits associated with the ECO Substation Project are detailed in Attachment D – Specific Overriding Considerations Associated with the ECO Substation Project.

RECIRCULATION IS NOT REQUIRED AS A MATTER OF LAW

SDG&E expects that opponents of one or more of the projects described in the Draft EIR/EIS, in an effort to cause delay and derail a timely decision on the Project, will argue that recirculation of the Draft EIR/EIS is required.

Under CEQA, recirculation is not required unless "significant new information" is added to an EIR after public notice of the availability of the draft EIR.[15] Importantly, "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that 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

E3-20

---

14 Cal. Code Regs. tit. 14, § 15093.

15 *Id.* § 15088.5; *see also* 40 C.F.R. § 1502.9(c) (under NEPA's regulations, agencies have a duty to prepare supplements to a final EIS only if: "(i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.").

have declined to implement."[16] The California Supreme Court has confirmed that "Recirculation was intended to be an exception, rather than the general rule."[17] Thus, any decision to recirculate must not be taken lightly.

In the context of the ECO Substation Project, SDG&E does not anticipate that recirculation will be required as a legal matter. For example, none of the additional information contained in this letter constitutes "significant new information" such that recirculation under CEQA or supplementation under NEPA is required. Cal. Pub. Res. Code § 21092.1; Cal. Code Regs. tit. 14, § 15088.5(a). In addition, although responsible agencies may feel compelled to submit extensive comments on the adequacy of the Draft EIR/EIS under CEQA Guidelines section 15096 and may go so far as to request recirculation of the Draft EIR/EIS, recirculation is not triggered as a matter of law unless the definition of "significant new information" is met. See Cal. Code Regs. tit. 14, § 15088.5(a). Recirculation is not required simply because a responsible agency or any other party may claim inadequacies and requests a new document. *See id.*; *see also Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 6 Cal. 4th 1112, 1136-42 (1993) (a community group's assertions that an EIR was inadequate and required recirculation did not demonstrate a need to address "significant new and information" and therefore did not trigger recirculation). The Final EIR/EIS can either address the issues raised in comments or can disagree with the comments submitted, even if those comments are from a responsible agency. *See* Cal. Code Regs. tit. 14, § 15088.5(b) ("Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."); *see also Marin Mun. Water Dist. v. KG Land Cal. Corp.*, 235 Cal. App. 3d 1652, 1667 (1991) (new, amplifying information that was not significant did not trigger recirculation).

E3-20
Cont.

More specifically, CEQA requires that "the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."[18] CEQA does not compel resolution of concerns that are raised in comments, even if those concerns are raised by a responsible agency.

---

16 *Id.* § 15088.5(a)(emphasis added). Similarly, under NEPA, supplementation is not required even for a substantial modification to a project where the impacts were not significantly different from those already considered. *North Idaho Community Action Network v. U.S. Dep't of Transp.*, 545 F.3d 1147, 1155 (9th Cir. 2008)). Thus, if an agency takes an action "'qualitatively within the spectrum of alternatives that were discussed' in a prior FEIS," no supplemental EIS is necessary. *Missouri v. U.S. Army Corps of Eng'rs*, 516 F.3d 688, 693-94 (8th Cir. 2008)(citation omitted). The test, therefore, is whether the agency has already provided the public with sufficient information to permit "meaningful consideration" of the proposed action. *See Greater Yellowstone Coalition v. Larson*, 641 F. Supp. 2d 1120, 1150 (D. Idaho 2009); 40 C.F.R. § 1502.1 (EIS "shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.").

17 *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 6 Cal. 4th 1112, 1132 (1993).

18 Cal. Code Regs. tit. 14, § 15088.

More importantly, any "voluntary" recirculation is wholly inappropriate for several reasons. First, as discussed previously, the Draft EIR/EIS conservatively overstates the potential environmental impacts associated with the ECO Substation Project. It includes *project-level* analysis of two other cumulative projects (e.g., Tule and ESJ) and *programmatic*-level analysis of three other projects and identifies these impacts as a consequence of the ECO Substation Project. Neither CEQA nor NEPA compel this level of analysis of cumulative projects. Nonetheless, the over-inclusive approach to "connected actions" and the "whole of the action" taken by the Draft EIR/EIS results in an overstatement of the potential impacts that defeats any claim of recirculation because the presence and severity of "significant and unavoidable" impacts in several areas[19] have already been identified and disclosed to the public. Therefore, the public has not been deprived of a meaningful opportunity to comment upon "a substantial adverse environmental effect of the project".

E3-21

Project opponents may argue that recirculation is required to account for new information regarding the Campo, Manzanita, or Jordan wind projects, for which the Draft EIR/EIS is a "program" EIR.[20] However, new detail on a project's design or features that does not constitute "significant new information " does not trigger recirculation. To illustrate, the California Court of Appeal recently upheld the certification of an EIR for an athletic center and several other related projects at the UC Berkeley campus.[21] The Court rejected claims that recirculation was required in light of a seismic study and agency correspondence that was not included in the final EIR and that additional detail about future projects should have included in the final EIR. By extension, if, for example, additional details were to become available about any of the projects discussed in the Draft EIR/EIS at the programmatic level (*i.e.*, the Campo, Manzanita, or Jordan wind projects), recirculation would not be required and in fact would run counter to CEQA. *See California Oak Foundation*, 188 Cal.App.4th at 271-272 ("CEQA permits a lead agency to use 'tiering' to 'defer analysis of certain details of later phases of long-term linked or complex projects until those phases are up for approval…'" (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal.4th 412 (2007) at 431). The *California Oak*

E3-22

---

19 The Draft EIR/EIS identifies the presence and severity of significant and unavoidable impacts associated with all of the projects described in the Draft EIR/EIS in the areas of biological resources, visual resources, cultural resources, noise, air and fire risk.

E3-21a

20 The fact that the Draft EIR/EIS is not labeled a "program" EIR is irrelevant. *See California Oak Foundation v. The Regents of the University of California*, 188 Cal. App. 4th 227, 271 n.25 (2010) (rejecting argument challenging project description and holding that "[t]he fact that this EIR is labeled a "project" rather than a "program" EIR matters little for purposes of this inquiry. "The level of specificity of an EIR is determined by the nature of the project and the 'rule of reason' [citing *Laurel Heights I*], rather than any semantic label accorded to the EIR." [citing Al Larson, 18 Cal.App. 4th at 741-742]).

E3-22a

21 *California Oak Foundation v. the Regents of the University of California*, 188 Cal. App. 4th 227 (2010). The California Court of Appeal has also held that an EIR studying a water district's moratorium on water hookups did not require recirculation in light of detail from a newly released master water supply plan that the moratorium would last 10 years. *See, e.g., Marin Mun. Water Dist. v. KG Land Cal. Corp.*, 235 Cal. App. 3d 1652, 1667-68 (1991). The EIR had already stated that the moratorium could last more than 5 or 6 years, and the additional detail pegging the moratorium at 10 years did not constitute "significant new information." *Id.*

E3-22b

Foundation court found further that: "In particular, tiering is appropriate 'when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports.'") (quoting *In re Bay-Delta*, 43 Cal.4th at 1170). It thus concluded: "Further, where an EIR covers several possible projects that are diverse and geographically dispersed, the agency has discretion to evaluate the potential environmental impacts of the individual projects in general terms in the EIR, while deferring more detailed evaluation of the projects for future EIR's." *California Oak Foundation*, 188 Cal.App.4th at 271-272 (citing *In re Bay-Delta*, 43 Cal.4th at 1170-1171 and CEQA Guidelines §15165.). Moreover, although SDG&E questions the feasibility, necessity and proportionality of several mitigation measures in the Draft EIR/EIS, SDG&E has not declined to implement any feasible mitigation measures or alternatives and in fact has agreed to construct the environmentally superior ECO Substation Alternative. Therefore, the public has not been deprived of a meaningful opportunity to comment upon "a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

E3-22 Cont.

As noted at the beginning of this letter, the Draft EIR/EIS is the product of well over a year of analysis and consideration by multiple federal, state, and local agencies. In the more than 18 months since the application (which included a detailed Proponent's Environmental Assessment) was originally filed, the preparation and release of the Draft EIR/EIS been delayed to incorporate additional information about other projects considered in the document. The generous 54-day period originally announced to allow for public comments on the Draft EIR/EIS was extended to 70-days in an effort to maximize public review and comment.

In the context of this long procedural history, any additional delay caused by unnecessary recirculation will *impede* the CPUC and BLM's ability to meet renewable energy policy objectives.

E3-23

Attachment A is considered Comment E3-24.

Attachment A – Updated Project Description and ECO Substation Alternative Site

East County Substation Project Draft EIR-EIS

San Diego Gas & Electric Company (SDG&E) submitted its Proponent's Environmental Assessment (PEA) for the East County (ECO) Substation Project (Proposed Project) to the California Public Utilities Commission (CPUC) on August 11, 2009. Subsequent to filing the PEA, modifications to the 138 kilovolt (kV) transmission line were made to the Proposed Project, including minor shifts to some pole locations and installation method, the addition of permanent maintenance pads around pole sites, and a change to the transmission line structure configuration. Limited portions of the 138 kV transmission line and associated access roads were also changed to reduce impacts to sensitive resources. These initial changes to the Proposed Project that was described in the PEA were submitted to the CPUC in the document titled Revised East County Substation Footprint Project Description on April 30, 2010. A description of these changes follows under the heading Changes to the Proposed Project on page 2 of this document.

Changes were also made to the ECO Substation footprint, which is included in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) as the ECO Substation Alternative Site. These additional modifications were submitted to the CPUC in the document Southern Access Road Description and Impacts on October 7, 2010, and were made to further avoid and/or reduce impacts to previously unidentified cultural and hydrological resources. These modifications primarily included changes to access roads, pad sizes, and retention basins at the shifted ECO Substation site. In addition, the feeder line loop-in connecting the ECO Substation to the existing 500 kV Southwest Powerlink (SWPL)[1] and limited portions of the 138 kV transmission source line[2] and associated access roads were also slightly altered to adjust for the 700-foot shift made to the ECO Substation. Figure 1: Revised ECO Substation Footprint and Southern Access Road, provided in Southern Access Road Description and Impacts, depicts the changes made to the ECO Substation Alternative Site. A description of the changes made to the ECO Substation Alternative Site also follows under the heading Changes to the ECO Substation Alternative Site. Since submittal of these documents, SDG&E has further refined the design of the ECO Substation, which has included revisions to the retention basin, construction buffers, and temporary work areas. These additional changes are described herein under the heading February 2011 ECO Substation Revisions.

The ECO Partial Underground 138 kV Transmission Route Alternative identified in the Draft EIR/EIS provides that the segment of the 138 kV transmission line beginning at milepost 9 would travel underground to the rebuilt Boulevard Substation following the same alignment as the proposed overhead line. To the extent feasible, SDG&E has refined the partial underground alignment to be located within existing roads to avoid identified sensitive resources. A description of SDG&E's preliminary design is provided in this document under the heading Preliminary Partial Underground Design. Additionally, rerouting of the distribution lines that

[1] The SWPL loop-in is also more specifically referred to as a substation feeder line loop-in in some ECO Substation Project documents.

[2] The terminology used to describe "138 kV transmission 'source' or 'supply' line" as used herein and in some ECO Substation Project documents specifically designates a 'power line' used to provide electric power to a substation. Pursuant to GO 131-D, Section I, a 'power line' is defined as a line designed to operate between 50 and 200kV.

connect to the existing Boulevard Substation will be required to connect to the rebuilt Boulevard Substation. A description of the rerouting requirements follows under the heading Boulevard Substation Rebuild Distribution Line Reroutes.

Collectively, these documents describe the preferred Project for SDG&E—which is essentially the ECO Substation Alternative Site combined with the Partial Underground 138 kV Transmission Line Alternative described in the Draft EIR/EIS—and describe the minor modifications SDG&E has made to avoid sensitive resources. These modifications need to be included within the Project Description and Alternatives sections of the Final EIR/EIS.

The revisions made to the Proposed and Alternative ECO Substation Projects, as described in the Draft EIR/EIS, will result in fewer impacts to cultural resources and drainages in the Proposed Project area, as shown in Table A-1: Revised Impacts Resulting from Project Revisions. In addition, steel poles (SP) 77, 91, and 99 were moved so that they are no longer in the vicinity of archaeological sites SDI-7051, SDI-7951, and SDI-7055. Thus, the cultural resources within the substation footprint include only the following:

- SDI-7074
- SDI-7082
- SDI-19618
- SDI-19619H
- SDI-19621H
- SDI-19622H
- SDI-19626
- SDI-19479
- SDI-19483

Although the transmission line has the potential for impacts within the mapped portions of SDI-7951, SDI-7051, and SDI-7059, ground disturbance will be within insignificant areas of these sites because poles, pads, and roads were moved to avoid artifact concentrations. The southern access road may impact historic artifacts associated with sites SDI-20168H and SDI-20169H, but these impacts will not be significant because these small historic sites do not contain the quantity or diversity of artifacts to be eligible for the National Register.

Impacts to United States (U.S.) Army Corps of Engineers (USACE)- and Regional Water Quality Control Board (RWQCB)-jurisdictional waters were also reduced as a result of changes made to the ECO Substation, as shown in Table A-1: Revised Impacts Resulting from Project Revisions.

A specific description of the revisions made to the Proposed Project and ECO Substation Alternative that need to be included within Project Description, Alternatives, and Impact Analyses sections of the Final EIR/EIS follows.

Table A-1: Revised Impacts Resulting from Project Revisions

Modification	Cultural Resources	Jurisdictional Drainages
ECO Substation footprint shifted 700 feet east	SDI-2720, SDI-6115, and SDI-7079 avoided	0.25 acre of drainages avoided
ECO Substation main access road modified to enter the substation at the southern rather than northern border	SDI-21068H, SDI-20169H, and SDI-6119 impacted (SDI-6119 was determined to not be significant during testing for the Energia Sierra Juarez Project)	0.02 acre of drainages avoided
Removal of the ECO Substation northwest corner	No Change	0.02 acre of drainages avoided
Revisions to the size and location of the retention basins	No Change	0.16 acre of drainages avoided
Revisions to the access road to SPs 108 and 108A	No Change	<0.01 acre of drainages avoided
SPs 104 and 105 were moved approximately 40 and 90 feet west from their originally proposed locations, respectively	SDI-7060 avoided	No change
SP 76 and 77 were moved approximately 10 feet south and 75 feet west of their originally proposed locations, respectively	SDI-7951 avoided	No change
SP 102 was moved approximately 195 feet west and 3 feet south	SDI-7059 avoided	No change

Changes to the Proposed Project

- SPs 77, 104, and 105 have been shifted approximately 75, 40, and 90 feet west from their originally proposed locations to avoid sensitive cultural resources.

- The configuration of the 138 kV line has been revised from an I-string twin-circuit to a V-string bundled single-circuit design to account for standards associated with high winds and fire in the Proposed Project area.

- The height of the steel cable riser pole has been increased from approximately 140 feet to 150 feet.

- The maximum height of the SPs will now measure approximately 150 feet, rather than 115 feet, as described in the Draft EIR/EIS, and will average approximately 130 feet. Additionally, the SPs will be installed on drilled-pier foundations, as opposed to being direct buried, to account for the height increase.

- The 98 SPs accounted for in the Draft EIR/EIS will now require permanent, rather than temporary, maintenance pads, each measuring approximately 80 feet by 60 feet in size.

Changes to the pole locations and required grading activities within the 138 kV transmission line, as well as the addition of the permanent maintenance pads for each pole site will result in temporary and permanent impacts to vegetation that differ from the totals provided in the Draft EIR/EIS. Table A-2: Native Vegetation Community Temporary and Permanent Impacts provides temporary and permanent impacts to vegetation communities on Bureau of Land Management (BLM) and privately owned land for the Proposed Project.

Changes to the ECO Substation Alternative Site

The ECO Substation Alternative Site described in the Draft EIR/EIS is the preferred alternative for the ECO Substation location. The basis for this alternative is to decrease impacts to cultural and hydrological resources. The changes are a result of shifting the footprint of the ECO Substation approximately 700 feet east of the originally proposed location, and are described in further detail as follows:

ECO Substation

- The northwest corner of the western ECO Substation pad was removed to reduce permanent impacts to waters of the U.S. by approximately 0.2 acre.

Table A-2: Native Vegetation Community Temporary and Permanent Impacts

Native Vegetation Community	Existing Acreage in Study Area	Temporary Impact Acreage		Permanent Impact Acreage		ECO Substation Project Total Impact Acreage
		BLM Land	Private Land	BLM Land	Private Land	
Chamise chaparral/redshank chaparral	302.92	0.00	5.92	0.00	9.46	15.38
Emergent wetland	2.50	0.00	0.00	0.00	0.00	0.00
Oak woodland	6.46	0.00	0.82	0.00	0.00	0.82
Peninsular juniper woodland and scrub	193.34	0.00	34.76	0.70	83.14	118.60
Shadscale scrub	16.45	0.00	2.46	0.00	0.31	2.77
Sonoran mixed woody succulent scrub (Mixed desert scrub)	548.52	0.00	14.00	1.41	23.26	38.67
Southern willow scrub/mulefat scrub (Riparian scrub)	6.95	0.00	0.10	0.00	0.15	0.25
Total	**1,077.14**	**0.00**	**58.06**	**2.11**	**116.32**	**176.49**

- The design of the main access road to the ECO Substation was revised to reduce impacts to USACE-jurisdictional waters. Originally, the ECO Substation was to be accessed by improving an existing dirt road that connects to Old Highway 80, and then extending that road to the northern side of the substation. The newly proposed access road (southern access road) will involve expanding and improving an existing dirt road, originating from Old Highway 80, approximately 500 feet west of the original access road. From Old Highway 80, the road travels southeast for approximately 1,800 feet, turns east for approximately 1,700 feet, and then turns north for approximately 300 feet until reaching the southern side of the ECO Substation. The dimensions of the new southern access road will measure approximately 3,800 feet long and impact an average width of 60 feet, which includes a 30-foot paved road, 1-foot shoulders, drainage structures, and slopes, as opposed to the originally proposed 2,900-foot-long, 30-foot-wide northern access road. Permanent impacts resulting from the access road will measure approximately 4.95 acres, rather than 2.2 acres, as described in the Draft EIR/EIS.

- The footprint shift of the ECO Substation, removal of the northwest corner of the substation's pad, and relocation of the main access road to the south resulted in modification of the revised basin design from that provided in the ECO Substation Alternative Site description. The basin's location, as described in the Draft EIR/EIS, would have been along the northwest and western side of the ECO Substation, and would have measured approximately 2.41 acres. As revised, the basin is located along the southwestern edge of the ECO Substation, and measures approximately 1.0 acre. Further refinement required for the retention basin is described in the following section, February 2011 ECO Substation Revisions.

- Two ECO Substation Staging Yards described in the PEA were originally proposed to be located northwest of the ECO Substation and measure approximately 1.00 acre each in size. SDG&E later determined that power would be provided to the staging yards through use of on-site generators, rather than through a tap into an existing 12 kV distribution line, and that only one staging yard was required. The revised site of the staging yard is now proposed to be located south of the substation, near where the southern access road meets the substation driveways, and would measure approximately 0.54 acre in size. However, it has been determined that one of the northern staging yards will be required, as described in the following section, February 2011 ECO Substation Revisions. Temporary power will be brought to the southern staging yard by either on-site generators or a tap of an existing distribution line from the north staging yard. The route of the temporary distribution line would extend to the southern staging yard such that poles would be placed within previously disturbed access roads and within the temporary construction limits of the ECO Substation.

SWPL Loop-In

- As a result of shifting the ECO Substation footprint, five three-pole dead-end structures and one H-frame tangent structure (SD1 through SD6) will comprise the SWPL loop-in, rather than four lattice structures, as described in the Draft EIR/EIS.

- The western interconnection will comprise two structures, as originally proposed, though their locations have been shifted approximately 1,200 feet east of the location described in the Draft EIR/EIS.

- The eastern interconnection will be comprised of four, rather than two structures, as originally proposed, and the four structures have been shifted approximately 2,000 feet east of their originally proposed locations.

- The overall length of the feeder line loop-in interconnecting the ECO Substation to the SWPL will be approximately 3,065 feet.

- The height of the structures will remain the same as originally proposed, but the distance from the ground to the lowest conductor will measure approximately 42 feet, as opposed to the 35 feet described in the Draft EIR/EIS.

- New permanent dirt access roads will be constructed from the SWPL right-of-way (ROW) to the six SWPL loop-in structures. These new access roads will measure approximately 20 feet wide and will total approximately 1,932 feet in length, rather than 1,700, as provided in the Draft EIR/EIS. The new total acreage for the SWPL loop-in access roads and required grading outside of the access road area will measure approximately 1.19 acres, as opposed to 0.79 acres described in the Draft EIR/EIS.

- Permanent maintenance pads will be required for each of the six SWPL loop-in structures. The area of these pads and other associated grading will total approximately 2.56 acres, rather than the 1.6 acres described in the Draft EIR/EIS for the four originally proposed structures.

- The seven pull sites, measuring approximately 2.42 acres, will be located east of the ECO Substation, rather than within the substation footprint and the SWPL loop-in work areas, as described in the Draft EIR/EIS.

138 kV Transmission Line

- Three 138 kV transmission line SPs—106, 107, and 108—have been shifted approximately 100 feet east as a result of the ECO Substation footprint shift. Also, installation of one additional SP (108A) will be required due to the footprint shift. SP 108A will be located approximately 150 feet west of the western side of the ECO

Substation. Thus, the total number of SPs will be increased from 98, as described in the Draft EIR/EIS, to 99.

- One additional maintenance pad, measuring approximately 0.01 acre in size, will be required due to the addition of SP 108A.
- Four new, permanent dirt access roads will be constructed for SPs 106, 107, 108, and 108A. As provided in the Draft EIR/EIS, the area of these access roads would total approximately 0.24 acre. This number will be increased by less than 0.10 acre for the access road leading to SPs 108 and 108A, which will be located along the western edge of the ECO Substation, travel along the top of the retention basin, and then turn west to SP 108 and 108A.
- Only one approximately 100-foot by 100-foot pull site will be required for SP 106, as opposed to the two described in the Draft EIR/EIS.
- The fly yard located near SP-36 was shifted slightly to the west to avoid impacts to drainage features as depicted in Attachment A: Detailed Route Map 7 of 11 in Revised 138 Kilovolt Transmission Line Vegetation and Drainage Impacts, which was submitted to the CPUC on May 14, 2010.

Changes to the design of the ECO Substation footprint, SWPL loop-in, and associated access roads and grading activities will result in temporary and permanent impacts to vegetation that differ from the totals provided in the Draft EIR/EIS. Table A-3: Native Vegetation Communities Impacts for the ECO Substation Alternative Site provides the anticipated temporary and permanent impacts to vegetation communities anticipated to result from construction of the ECO Substation Alternative Site, and compares the impacts to those for the Proposed Project. Table A-4: Jurisdictional Drainage Impacts compares the impacts to drainages per jurisdictional agency for the ECO Substation Project and the ECO Substation Alternative Site.

February 2011 ECO Substation Revisions

Slight modifications to the ECO Substation design were made in February 2011 for the ECO Substation Alternative Site, which is the preferred alternative location for the substation. These modifications include the addition of a staging yard north of the ECO Substation, as well as minor changes to the construction buffer and retention basin. The revisions are depicted in Figure A-1: February 2011 ECO Substation Design. New vegetation impact totals resulting from these revisions are reflected in Table A-5: Native Vegetation Community Impacts for the February 2011 Revisions, while impacts to drainages are shown in Table A-6: Jurisdictional Drainage Impacts.

Table A-3: Native Vegetation Communities Impacts for the ECO Substation Alternative Site

Native Vegetation Community	Existing Acreage in Study Area	Temporary Impact Acreage		Permanent Impact Acreage		ECO Substation Alternative Total Impact Acreage	ECO Substation Project Total Impact Acreage
		BLM Land	Private Land	BLM Land	Private Land		
Chamise chaparral/redshank chaparral	302.92	0.00	5.92	0.00	9.46	15.38	15.38
Emergent wetland	2.50	0.00	0.00	0.00	0.00	0.00	0.00
Oak woodland	6.46	0.00	0.82	0.00	0.00	0.82	0.82
Peninsular juniper woodland and scrub	193.34	0.00	11.04	0.70	53.01	64.75	118.60
Shadscale scrub	16.45	0.00	2.46	0.00	0.31	2.77	2.77
Sonoran mixed woody succulent scrub (Mixed desert scrub)	548.52	0.00	16.32	1.41	48.98	66.71	38.67
Southern willow scrub/mulefat scrub (Riparian scrub)	6.95	0.00	0.10	0.00	0.15	0.25	0.25
Total	**1,077.15**	**0.00**	**28.32**	**2.11**	**127.01**	**150.68**	**183.45**

Table A-4: Jurisdictional Drainage Impacts

Jurisdictional Impacts		ECO Substation Project		ECO Substation Alternative Site	
		BLM Land	Private Land	BLM Land	Private Land
USACE/RWQCB-Jurisdictional Drainage Impacts	*Temporary*	0.02 acre	0.37 acre	0.02 acre	0.21 acre
	Permanent	0.01 acre	0.92 acre	0.01 acre	0.52 acre[3]
CDFG-Jurisdictional Drainage Impacts	*Temporary*	0.04 acre	1.18 acres	0.04 acre	0.87 acre
	Permanent	0.02 acre	2.79 acres	0.02 acre	1.88 acre

The changes are summarized as follows:

- The ECO Substation Staging Yard that was originally proposed to be located north of the ECO Substation in the PEA, and was later removed from the ECO Substation Alternative Site design, will again be utilized for staging construction, in addition to the previously added southern staging yard. However, the northern yard will now measure approximately 0.36 acres. Power to the northern staging yard will be provided by an on-site generator and/or a temporary distribution line, as described in the Project Description of the Draft EIR/EIS. In order to tap the existing distribution circuit, approximately eight temporary wooden poles will be installed. This temporary tap will be used to power the construction trailer and equipment used at the staging area.

- As described in the previous section—Changes to the ECO Substation Alternative Site—the retention basin for the ECO Substation was modified from 2.41 acres to measure approximately 1.00 acre in size, and the location was shifted from the northwest and western portion of the substation to the western and southwestern edge. Minor modifications have since been made to the retention basin design to better ensure proper drainage from the ECO Substation. From this revision, the retention basin will now measure approximately 1.46 acres at the bottom; the basin has sloped sides and will measure approximately 3.95 acres from the edge of the pad to the top of the slopes. The basin is still located along the western and southwestern edge of the substation, but is slightly broader along the southwestern corner.

[3] Through prior consultation with the USACE, SDG&E and the USACE determined that two distinct "single and complete projects" exist for the Proposed Project pursuant to 33 C.F.R. § 330.2(i). Thus, SDG&E is applying for two Nationwide Permit (NWP) 12s, divided at SP-85 within the Bornt Farms agricultural fields.

Table A-5: Native Vegetation Community Impacts for the February 2011 Revisions

Native Vegetation Community	Existing Acreage in Study Area	Temporary Impact Acreage		Permanent Impact Acreage		February 2011 Revisions Total Impact Acreage	ECO Substation Alternative Site Total Impact Acreage	ECO Substation Project Total Impact Acreage
		BLM Land	Private Land	BLM Land	Private Land			
Chamise chaparral/redshank chaparral	302.92	0.00	5.89	0.00	9.46	15.38	15.38	15.38
Emergent wetland	2.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Oak woodland	6.46	0.00	0.82	0.00	0.00	0.82	0.82	0.82
Peninsular juniper woodland and scrub	193.34	0.00	11.22	0.70	53.99	65.21	64.75	118.60
Shadscale scrub	16.45	0.00	2.46	0.00	0.31	2.77	2.77	2.77
Sonoran mixed woody succulent scrub (Mixed desert scrub)	548.52	0.00	17.72	1.41	51.20	70.33	66.71	38.67
Southern willow scrub/mulefat scrub (Riparian scrub)	6.95	0.00	0.10	0.00	0.15	0.25	0.25	0.25
Total	**1,077.14**	**0.00**	**38.21**	**2.11**	**115.11**	**154.76**	**150.68**	**176.49**

Table A-6: Jurisdictional Drainage Impacts

Jurisdictional Impacts		ECO Substation Project		ECO Substation Alternative Site		ECO Substation February 2011 Revisions	
		BLM Land	Private Land	BLM Land	Private Land	BLM Land	Private Land
USACE/RWQCB-Jurisdictional Drainage Impacts	*Temporary*	0.02 acre	0.37 acre	0.02 acre	0.21 acre	0.02 acre	0.43 acre
	Permanent	0.01 acre	0.92 acre	0.01 acre	0.52 acre[4]	0.01 acre	0.52 acre[5]
CDFG-Jurisdictional Drainage Impacts	*Temporary*	0.04 acre	1.18 acres	0.04 acre	0.87 acre	0.04 acre	1.19 acre
	Permanent	0.02 acre	2.79 acres	0.02 acre	1.88 acre	0.02 acre	1.90 acre

[4] Through prior consultation with the USACE, SDG&E and the USACE determined that two distinct "single and complete projects" exist for the Proposed Project pursuant to 33 C.F.R. § 330.2(i). Thus, SDG&E is applying for two Nationwide Permit (NWP) 12s, divided at SP-85 within the Bornt Farms agricultural fields.

[5] Through prior consultation with the USACE, SDG&E and the USACE determined that two distinct "single and complete projects" exist for the Proposed Project pursuant to 33 C.F.R. § 330.2(i). Thus, SDG&E is applying for two Nationwide Permit (NWP) 12s, divided at SP 85 within the Bornt Farms agricultural fields.

- The construction buffer surrounding the perimeter of the ECO Substation, southern staging yard, and the southern access road has been revised based upon the changes made to the retention basin and refined engineering data. The expansion of the buffer along the south side of the ECO Substation and along the southern access road will increase the temporary buffer from approximately 17.8 acres to approximately 19.5 acres.

Preliminary Partial Underground Design

In order to assess the potential impacts to biological, cultural, and hydrological resources from the partial underground portion of the Project, field surveys of the area were conducted in February 2011. From the results of these surveys, SDG&E prepared a feasible preliminary design of the underground section of the Partial Underground Alternative, which is depicted in the attached Figure A-3: Preliminary Underground Alignment Drawing. Based on this preliminary design, the overhead portion of the 138 kV transmission line would transition to an underground configuration at two new riser poles located within the same permanent pole work area previously designed for steel pole 38. From these two new riser poles, two parallel duct banks separated by up to 20 feet would be installed typically within or directly adjacent to existing roads in the area. The duct banks would measure approximately 4.1 miles long and each would pass through approximately 11 vaults before terminating at the Boulevard Substation. The duct banks would be installed using the direct trenching method of construction in all but two locations. An approximately 690-foot-long segment would be installed using the horizontal directional drilling method to cross under a large jurisdictional feature and an approximately 280-foot-long segment would be installed using the jack-and-bore method to cross under an existing San Diego & Arizona Eastern railroad.

Two alternatives for entering the Boulevard Substation Rebuild have been identified. The proposed alignment would enter the Boulevard Substation Rebuild parcel at the southwest corner, follow the parcel's southern and eastern perimeter, then turn west to terminate at the substation. An alternative alignment would enter the parcel at the same location and continue northeast before entering the substation at its southern border.

The impacts of the underground alignment were then determined based on a worst-case scenario (since there are two alternative routes into the substation as depicted in Figure A-3: Preliminary Underground Alignment Drawing that are substantially similar). As demonstrated in Table A-7: Preliminary Partial Underground Impacts, these impacts would not be substantial and would not therefore be significant.

Boulevard Substation Rebuild Distribution Line Reroutes

Rerouting of the distribution lines that currently enter and exit the existing Boulevard Substation will be required to connect the rebuilt Boulevard Substation to existing systems, as shown in Figure A-2: Boulevard Substation Rebuild Distribution Map. The proposed distribution reroute would exit the west side of the rebuilt Boulevard Substation through an underground duct bank carrying multiple distribution cables. At approximately 25 feet west of the existing fence line,

the underground bank would turn north for approximately 80 feet and enter an approximately 21-foot-long by 9-foot-wide by 14-foot-deep underground vault. From the underground vault, the duct bank would continue to head north for approximately 40 feet, then travel west to cross under an engineered drainage channel before terminating at a new riser pole.

The underground duct would measure approximately two feet wide, and would require a six-foot-wide ROW centered on the alignment. The duct would travel from the western edge of the rebuilt Boulevard Substation to the new riser pole, a total of approximately 164 feet excluding the underground vault, with the total permanent area required for the duct package measuring approximately 984 square feet. The underground vault would require a permanent two-foot-wide ROW on all sides, for a total area of approximately 325 feet (25 feet by 13 feet). The new riser pole would replace an existing distribution pole located approximately 280 feet south of Old Highway 80, and would require a permanent workspace of approximately 100 square feet. Thus, the total permanent impacts resulting from the proposed distribution reroute would total approximately 1,409 square feet.

The alternative distribution reroute would travel in essentially the same alignment as the proposed reroute, but would exit the rebuilt Boulevard Substation at a location approximately 40 feet north of the proposed underground route. All other components for the alternative reroute would be the same as for the proposed distribution reroute. Therefore, the total area required for the alternative route would measure approximately 1,169 square feet. The proposed and alternative methods of rerouting the distribution lines to connect to the existing system are depicted in Figure A-2: Boulevard Substation Rebuild Distribution Map.

Table A-7: Preliminary Partial Underground Impacts

Native Vegetation Community	Existing Acreage in Study Area	Preferred Partial Underground Route				Alternative Partial Underground Route			
		Temporary Impact Acreage		Permanent Impact Acreage		Temporary Impact Acreage		Permanent Impact Acreage	
		BLM Land	Private Land	BLM Land	Private Land	BLM Land	Private Land	BLM Land	Private Land
Chamise chaparral/redshank chaparral	302.92	0.00	2.14	0.00	5.56	0.00	2.14	0.00	5.56
Emergent wetland	2.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Oak woodland	6.46	0.00	0.02	0.00	0.00	0.00	0.02	0.00	0.00
Peninsular juniper woodland and scrub	193.34	0.00	11.22	0.70	54.69	0.00	11.22	0.70	54.69
Shadscale scrub	16.45	0.00	2.46	0.00	0.31	0.00	2.46	0.00	0.31
Sonoran mixed woody succulent scrub (Mixed desert scrub)	548.52	0.00	17.72	1.41	52.61	0.00	17.72	1.41	52.61
Southern willow scrub/mulefat scrub (Riparian scrub)	6.95	0.00	0.10	0.00	0.15	0.00	0.10	0.00	0.15
Big Sagebrush	30.4	0.00	0.28	0.00	0.09	0.00	0.28	0.00	0.08
USACE/RWQCB-jurisdictional drainages	12.82	0.02	0.31	0.01	0.70	0.02	0.31	0.01	0.71
CDFG-jurisdictional drainages	25.58	0.04	0.82	0.02	2.10	0.04	0.82	0.02	2.11

Attachment A figures are considered Comment E3-25.

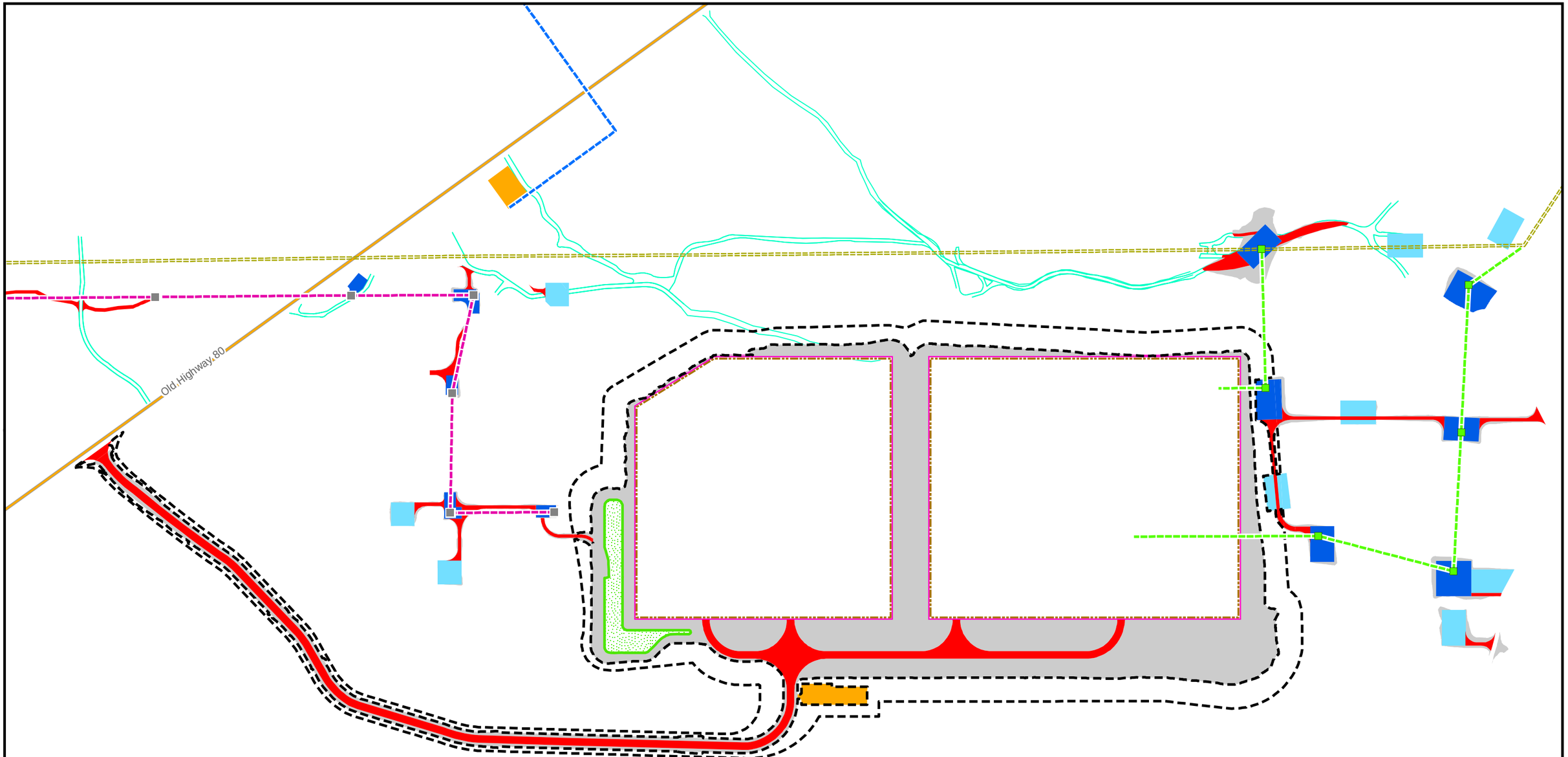


Figure A-1: February 2011 ECO Substation Design

East County Substation Project

- Proposed SWPL Loop-In
- Proposed 138 kV Line
- Proposed 12 kV Temporary Distribution Tap
- 445 Circuit Collocated with 138 kV Line
- Existing Transmission Line
- Proposed ECO Substation
- Fence Line
- Temporary Construction Area
- Access Road
- Pole Work Area
- Pull Site
- Retention Basin
- Staging Yard
- Grading
- Proposed SWPL Loop-In Structure
- Proposed 138 kV Tower
- Major Road
- Existing Access Road

SDGE — A Sempra Energy utility™

INSIGNIA ENVIRONMENTAL

N W E S

1:5,000

0 300 600 1,200 1,800 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA_1_Feb2011ECOSubDesign_v2.mxd

03/04/2011

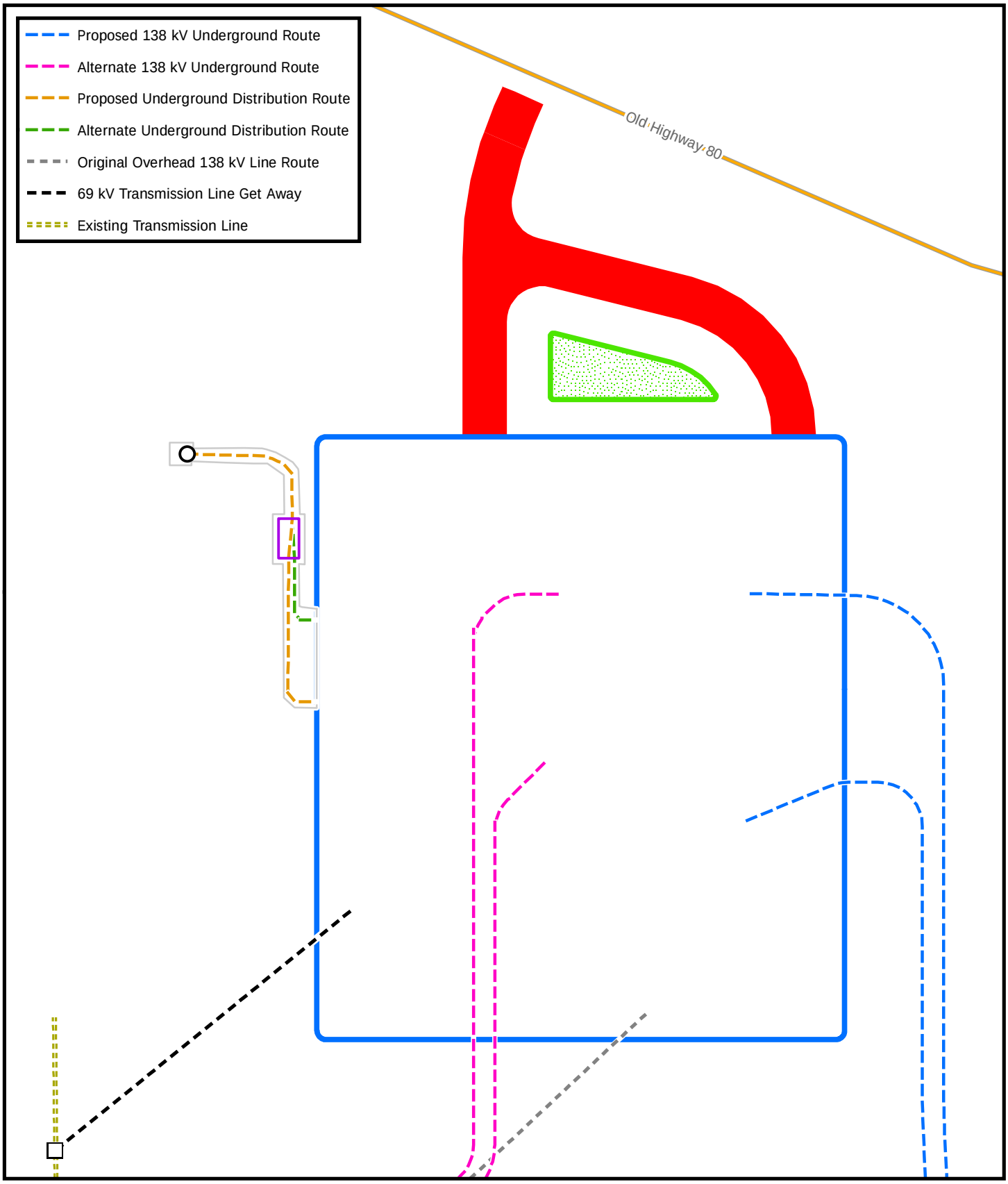


Figure A-2: Boulevard Substation Rebuild Distribution Drawing

East County Substation Project

Permanent ROW
Vault
New Riser Pole
69 kV Transmission Line Get Away Pole
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road
Major Road

SDGE
A Sempra Energy utility

INSIGNIA ENVIRONMENTAL

N
W E
S

1:900

0 25 50 100 150 200 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-2_BlvdSubReduild_v3.mxd

03/04/11

Old Highway 80

Proposed 138 kV Vault
Alternate 138 kV Vault
Proposed Distribution Vault
Proposed 138 kV Underground Route
Alternate 138 kV Underground Route
Proposed Underground Distribution Route
Alternate Underground Distribution Route
Original Overhead 138 kV Line Route
69 kV Transmission Line Get Away
Existing Transmission Line
New Riser Pole
69 kV Transmission Line Get Away Pole

Map Index

Figure A-3: Preliminary Underground Alignment Drawing 1 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE
A Sempra Energy utility

INSIGNIA ENVIRONMENTAL

N
W E
S

1:2,000

0 100 200 400 600 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

Proposed 138 kV Vault
Alternate 138 kV Vault
Proposed Distribution Vault
Proposed 138 kV Underground Route
Alternate 138 kV Underground Route
Proposed Underground Distribution Route
Alternate Underground Distribution Route
Original Overhead 138 kV Line Route
69 kV Transmission Line Get Away
Existing Transmission Line
New Riser Pole
69 kV Transmission Line Get Away Pole

Map Index

Figure A-3: Preliminary Underground Alignment Drawing 2 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE
A Sempra Energy utility
INSIGNIA ENVIRONMENTAL

1:2,000

N
W E
S

Feet
0 100 200 400 600

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

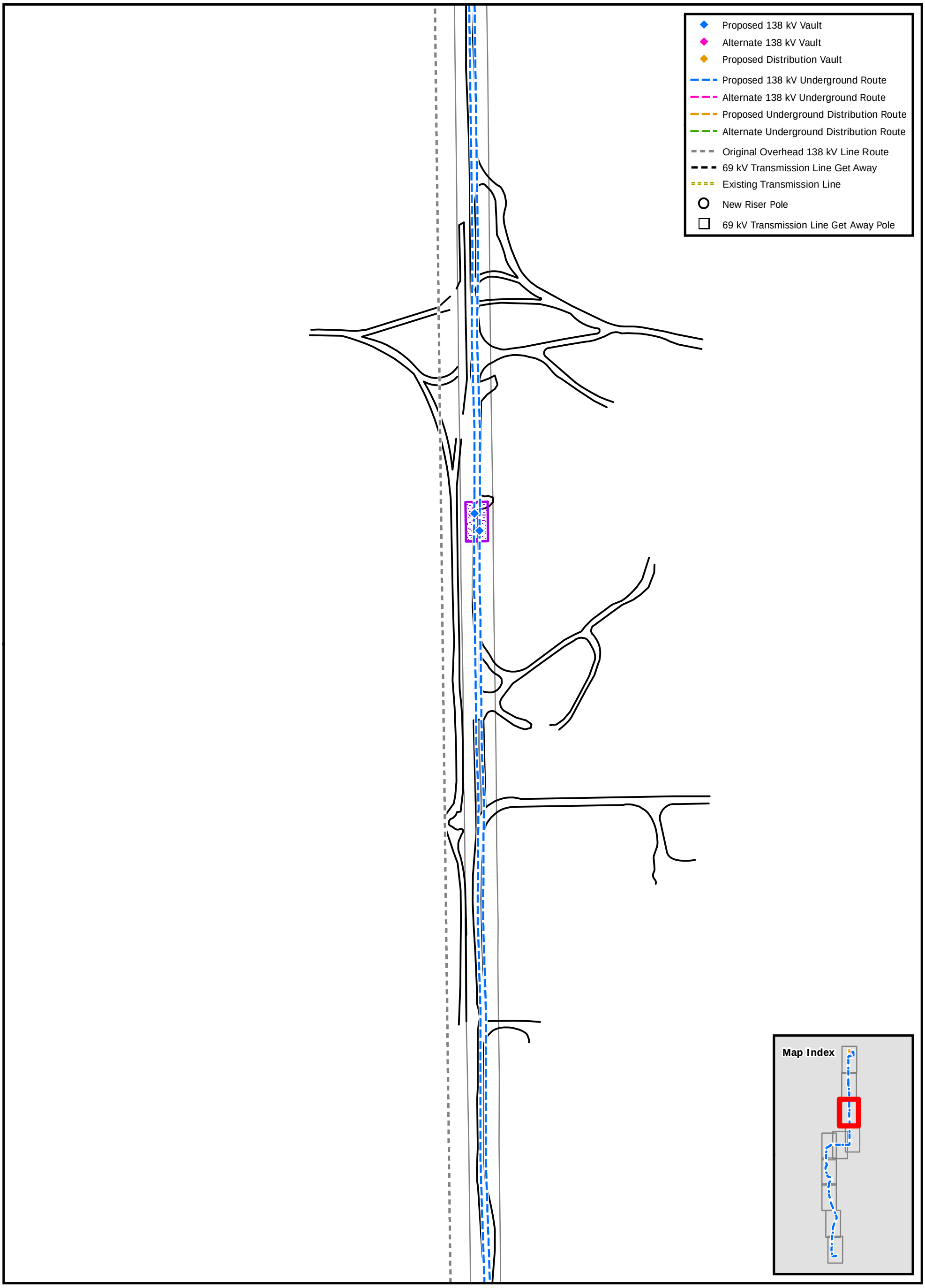


Figure A-3: Preliminary Underground Alignment Drawing 3 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE A Sempra Energy utility
INSIGNIA ENVIRONMENTAL

1:2,000

0 100 200 400 600 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

Proposed 138 kV Vault
Alternate 138 kV Vault
Proposed Distribution Vault
Proposed 138 kV Underground Route
Alternate 138 kV Underground Route
Proposed Underground Distribution Route
Alternate Underground Distribution Route
Original Overhead 138 kV Line Route
69 kV Transmission Line Get Away
Existing Transmission Line
New Riser Pole
69 kV Transmission Line Get Away Pole

Map Index

Figure A-3: Preliminary Underground Alignment Drawing 4 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE
A Sempra Energy utility
INSIGNIA ENVIRONMENTAL

1:2,000

N
W E
S

0 100 200 400 600 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

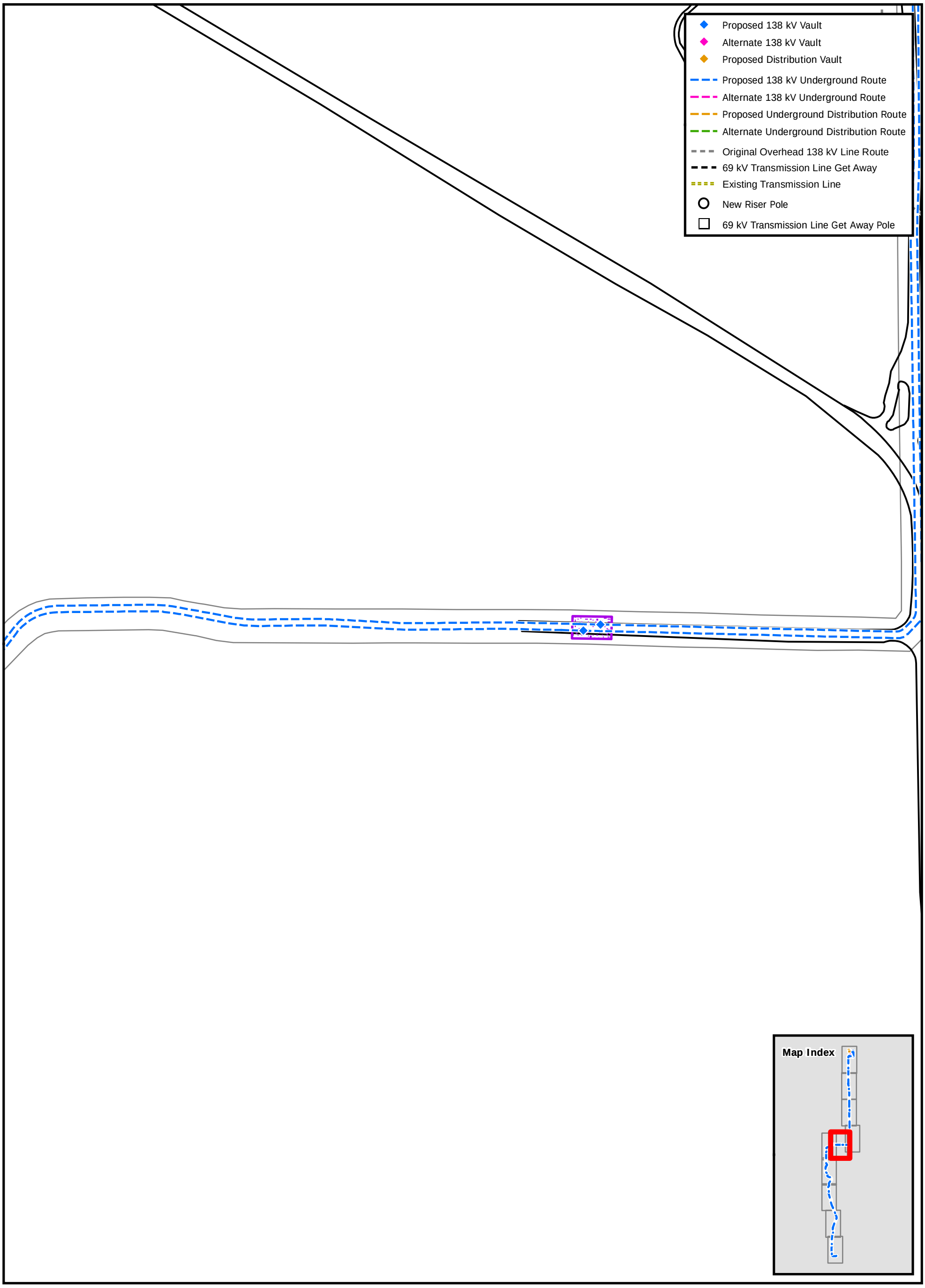


Figure A-3: Preliminary Underground Alignment Drawing 5 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE A Sempra Energy utility
INSIGNIA ENVIRONMENTAL

1:2,000

N W E S

0 100 200 400 600 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

Proposed 138 kV Vault
Alternate 138 kV Vault
Proposed Distribution Vault
Proposed 138 kV Underground Route
Alternate 138 kV Underground Route
Proposed Underground Distribution Route
Alternate Underground Distribution Route
Original Overhead 138 kV Line Route
69 kV Transmission Line Get Away
Existing Transmission Line
New Riser Pole
69 kV Transmission Line Get Away Pole

Map Index

Figure A-3: Preliminary Underground Alignment Drawing 6 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE
A Sempra Energy utility
INSIGNIA ENVIRONMENTAL

N
W E
S

1:2,000

0 100 200 400 600 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

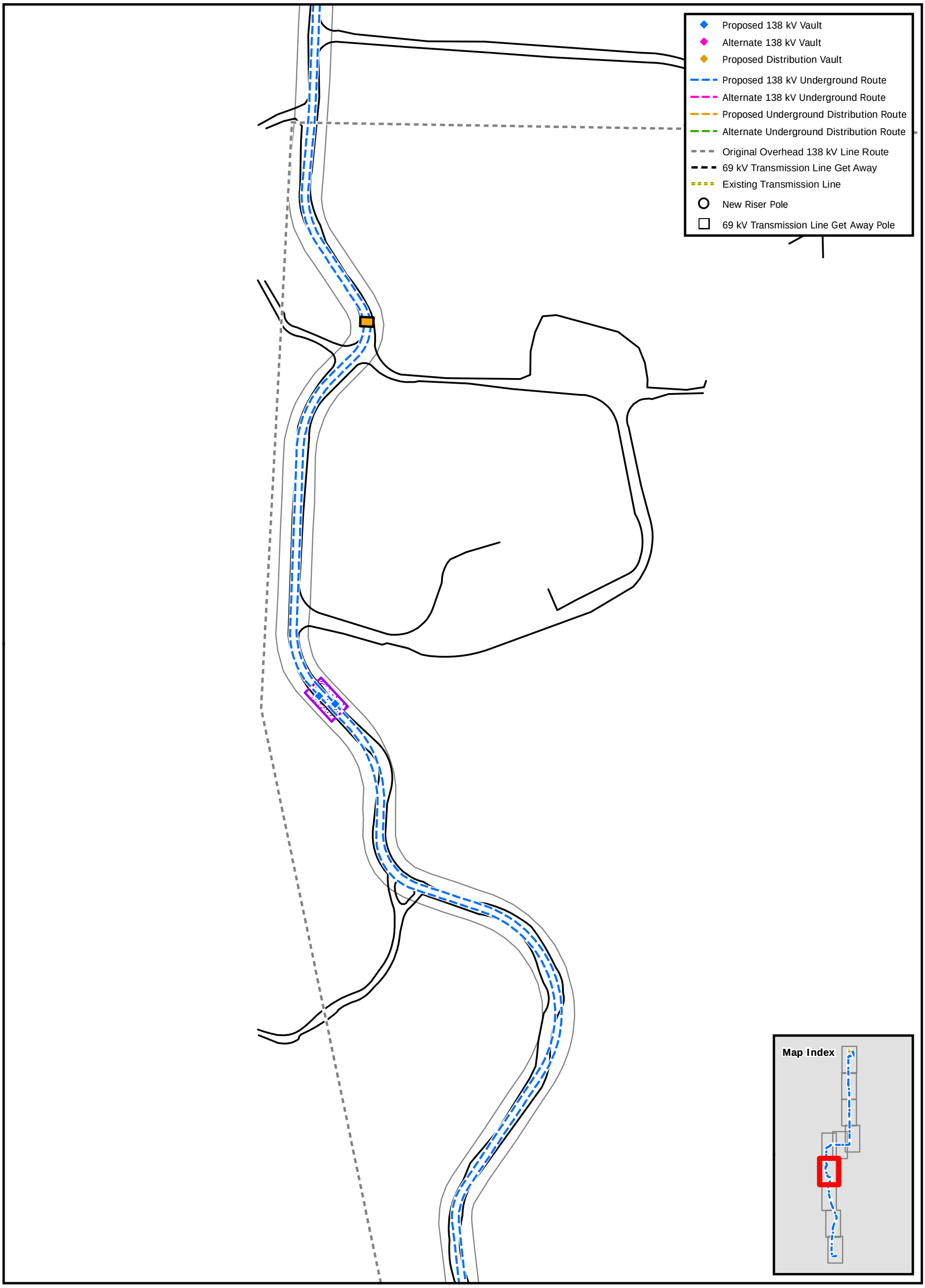


Figure A-3: Preliminary Underground Alignment Drawing 7 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE
A Sempra Energy utility

INSIGNIA ENVIRONMENTAL

N
W E
S

1:2,000

0 100 200 400 600 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

Proposed 138 kV Vault
Alternate 138 kV Vault
Proposed Distribution Vault
Proposed 138 kV Underground Route
Alternate 138 kV Underground Route
Proposed Underground Distribution Route
Alternate Underground Distribution Route
Original Overhead 138 kV Line Route
69 kV Transmission Line Get Away
Existing Transmission Line
New Riser Pole
69 kV Transmission Line Get Away Pole

Map Index

Figure A-3: Preliminary Underground Alignment Drawing 8 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE
A Sempra Energy utility
INSIGNIA ENVIRONMENTAL

1:2,000

N
W E
S

0 100 200 400 600 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

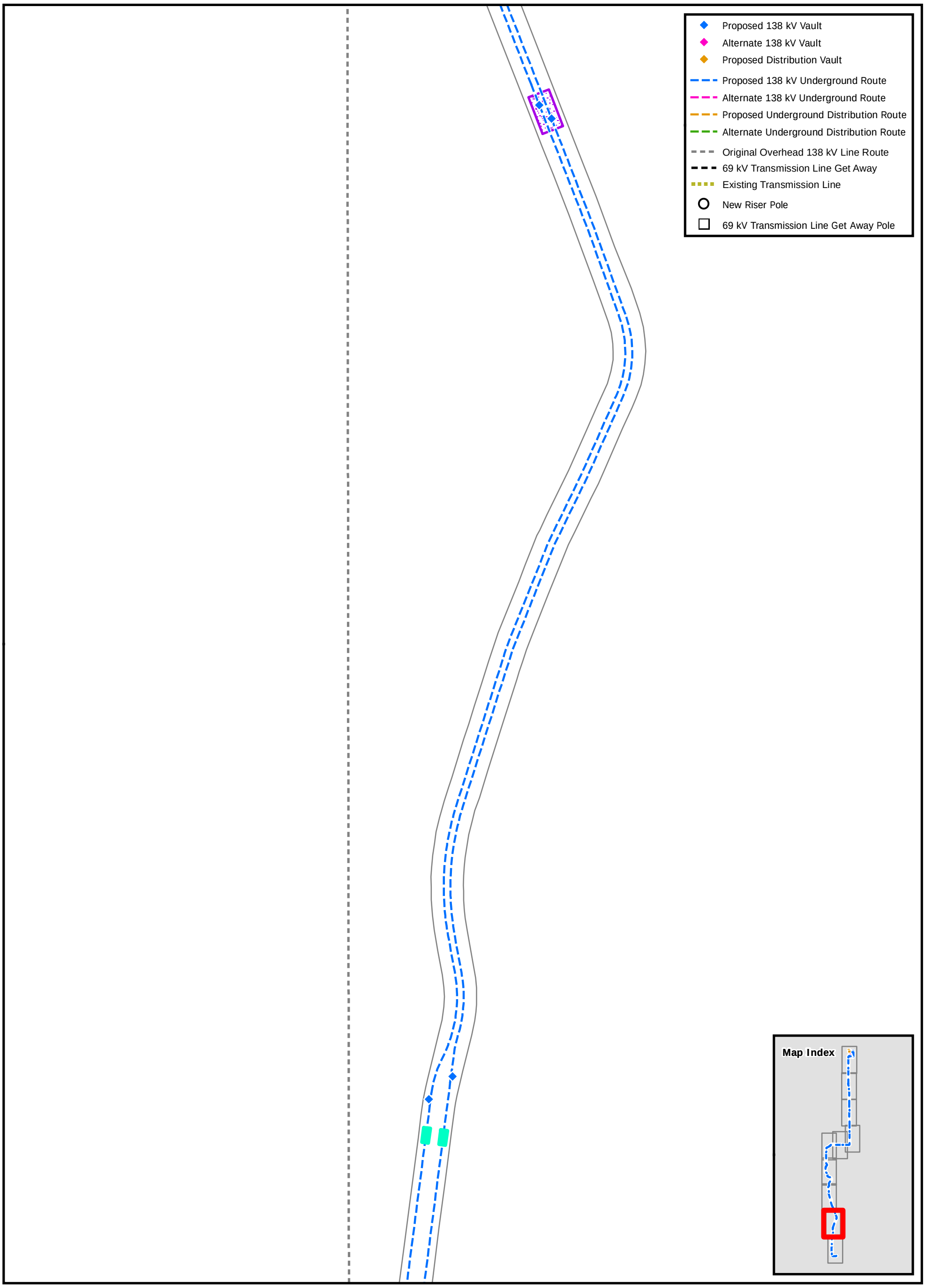


Figure A-3: Preliminary Underground Alignment Drawing 9 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE
A Sempra Energy utility

INSIGNIA ENVIRONMENTAL

N
W E
S

1:2,000

0 100 200 400 600 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

Proposed 138 kV Vault
Alternate 138 kV Vault
Proposed Distribution Vault
Proposed 138 kV Underground Route
Alternate 138 kV Underground Route
Proposed Underground Distribution Route
Alternate Underground Distribution Route
Original Overhead 138 kV Line Route
69 kV Transmission Line Get Away
Existing Transmission Line
New Riser Pole
69 kV Transmission Line Get Away Pole

Map Index

Figure A-3: Preliminary Underground Alignment Drawing 10 of 10

East County Substation Project

Permanent ROW
Bore Pit
Low-Water Crossing
Road Grading
Permanent Vault Pad
Existing Road
Boulevard Substation Rebuild
Boulevard Retention Pond
Boulevard Access Road

SDGE
A Sempra Energy utility
INSIGNIA ENVIRONMENTAL

1:2,000

N
W E
S

0 100 200 400 600 Feet

Z:\Projects\SDGE_ECO\MXDs\PEA\DataRequest\FigureA-3_PrelimUGRouteMap.mxd

03/04/11

Attachment B (Proposed Mitigation Measures) is considered Comment E3-26 and is included with responses in EIR/EIS Volume 3.

Attachment C (Technical Corrections and Clarifications) is considered Comment E3-27 and is included with responses in EIR/EIS Volume 3.

Attachment D is considered Comment E3-28.

Overriding Considerations

- The development of renewable resources is a priority for the State of California. California law requires source electric generation to be 20% from renewable sources by 2010, and in November 2008, Governor Schwarzenegger signed Executive Order S-14-08, directing all state agencies to work towards a 33% Renewable Portfolio Standards (RPS) by 2020. Draft EIR/EIS at A-7, A-11 – A-12.

- Recently, on September 23, 2010, pursuant to its authority under Assembly Bill 32 (AB 32), the California Air Resources Board (CARB) adopted the "Renewable Electricity Standard" (RES) to require a 33% by 2020 renewable energy procurement mandate for most retail sellers of electricity in California, including but not limited to San Diego Gas & Electric Company (SDG&E). *Id.* at A-7 – A-8, A-11 – A-12. The RES is an independent requirement from California's existing RPS, which requires a 20% by 2010 renewable energy procurement mandate.[1]

- Pursuant to AB 32, California is also obligated to reduce the production of greenhouse gas (GHG) to 1990 levels by 2020, and both the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) recommended 33% renewables as a key strategy to reducing GHG emissions. *See* CPUC Decision D.08-10-037 in Rulemaking (R.) 06-04-009 (October 2008), which represents the joint efforts of the CPUC and the CEC in preparing recommendations on GHG regulatory strategies to CARB and discusses modeling demonstrating reduced greenhouse gas emissions associated with development of renewable energy; *see also* CEC, "Final Opinion on Greenhouse Gas Regulatory Strategies," filed on October 28, 2008, in its Docket #07-OII-1.

The East County (ECO) Substation Project (Project) will provide a wide range of substantial economic, legal, social, technological and other benefits to the region, including but not limited to, facilitating California's renewable energy goals within a reasonable timeframe, advancing the State's efforts to reduce its carbon emissions consistent with AB 32 (Stats. 2006, ch. 488), furthering federal energy policies and goals, and helping create green jobs and boosting the local economy. *See also* Draft EIR/EIS at A-7 – A-8, A-11 – A-12; SDG&E Proponent's Environmental Assessment, Section 2.0 (Purpose and Need) (incorporated herein by reference). More specifically, these benefits include:

- Delivering Renewable Energy – Experts have identified the San Diego and Imperial Counties / Baja California Mega-Region as one of the top locations in the United States for renewable energy. Recent studies indicate this Mega-Region could become a global showcase for clean energy with a potential of more than 17,600 megawatts (MW) of renewable electricity: Solar Energy – 6,870 MW; Wind Energy – 9,302 MW including Baja California; Geothermal Energy – 1,434 MW; and Biomass Energy – 66 MW. RETI, *Phase 2B Final Report* at 1-1 - 1-3, 6-6 – 6-7

[1] CARB, Resolution 10-23 (Sept. 23, 2010), *available at* http://www.arb.ca.gov/regact/2010/res2010/res1071attb.pdf.

(May 20, 2010). These references are to gross potential without project specific economic analysis. *Id.*

- The ECO Substation Project will deliver clean power into the electric grid by connecting proposed renewable energy projects in Eastern San Diego County and Mexico to the existing SWPL transmission line. Draft EIR/EIS at A-7 – A-8, A-11 – A-12. The Project will provide an interconnection hub for renewable generation that will eliminate the need for multiple generator-owned or -operated substations or switching stations along SDG&E's existing SWPL 500 kilovolt (kV) transmission line. This project will help SDG&E meet state requirements to produce 33% of its power from renewable resources by 2020. The ECO Substation Project will also facilitate meeting federal Energy Policy Act requirements for 10,000 MW of renewable energy on public lands by 2015 (Pub. L. 109-58, Section 211 (2005)) and further Interior Department Secretarial Orders, policies and directives related to renewable energy development. Draft EIR/EIS at A-6.

- Emissions and Fossil Fuel Dependence – By accessing locally-sourced renewable energy, the new ECO Substation Project will help reduce the region's dependence on imported electricity generated from fossil fuels and cut GHG emissions. The ECO Substation Project will tap into the vast renewable energy potential of the San Diego/Imperial Valley/Baja California region and help the area become a national leader in clean energy development. Draft EIR/EIS at A-7 – A-8, A-11 – A-12.

- Improving Energy Reliability in Rural Eastern San Diego County – Rebuilding the Boulevard Substation and adding the 138 kV transmission line, as part of the ECO Substation Project, will improve electric grid reliability and reduce the potential for outages in local communities such as Jacumba, Boulevard, and Campo. The ECO Substation Project will replace aging infrastructure and provide more direct access to reliable power in the area. *Id.* at A-11 – A-12. Creating Jobs and Boosting the Local Economy – The ECO Substation Project will create 89 jobs at peak construction, many of which will be filled by hiring locally. In addition, the ECO Substation Project will facilitate the creation of hundreds, if not thousands, of "green" jobs at related renewable energy projects that will use the ECO Substation Project to connect to the grid. In addition, it is estimated that the ECO Substation Project will inject approximately $36 million directly into the local economy through contracts for goods and services, and create tax revenue for local public agencies. These increases in employment and revenue will greatly benefit the region, especially during these difficult economic conditions. Draft EIR/EIS at D.16-14 (workforce of 89 workers needed to construct ECO during peak construction; estimated $36 million in local contracts).

Comment Letter E4

Energia Sierra Juarez U.S. Transmission, LLC

March 4, 2011

Mr. Greg Thomsen
Bureau of Land Management

Mr. Iain Fisher
California Public Utilities Commission

c/o Dudek Consultants
605 Third Street
Encinitas, California 92024 February 16, 2011

Re: Sempra Generation Comments on Draft Environmental Impact Report (DEIR) and Draft Environmental Impact Statement (DEIS) for ECO Substation, Tule Wind Project and ESJ Gen-Tie Line Project

Dear Mr. Fisher and Mr. Thomsen:

These comments are submitted on behalf of Energia Sierra Juarez U. S. Transmission, LLC ("ESJ") concerning the Draft Environmental Impact Report (DEIR) and Draft Environmental Impact Statement (DEIS) for ECO Substation, Tule Wind Project and ESJ Gen-Tie Line Project (hereafter the "DEIR/DEIS"). ESJ is the developer of the ESJ-Gen Tie line project. ESJ is indirectly- wholly owned by Sempra Generation. The DEIR/DEIS contains a very thorough and well-prepared analysis of the environmental effects of the ECO Substation, Tule Wind, and ESJ Gen-tie line projects and meets the requirements of the California Environmental Quality Act (CEQA). ESJ will limit its comments to the following topics for which we recommend changes in the DEIR/DEIS: E4-1

Environmentally Superior Alternative
Fire Risk
Cultural Resources
Visual Resources
Air Quality

ESJ will also provide additional comments concerning:

Biological resources
Connected actions
Project benefits
Recirculation

E4-1 Cont.

Environmentally Superior Alternative

The DEIR/DEIS concludes that the environmentally superior alternative for the ESJ Gen-Tie project is the Overhead Gen-Tie Alternative Alignment (DEIR/DEIS p. ES-23). ESJ agrees with this conclusion. However, the DEIR/DEIS also concludes that the environmentally superior alternative for the Project (ECO Substation, Tule Wind, and ESJ- Gen-Tie line combined) is the no project alternative (DEIR/DEIS p. ES-24) This alternative does not meet CPUC project objectives. The CPUC's identified project objectives as stated in the DEIR/DEIS are:

C-1 Accommodate delivery of renewable energy to meet state and federal renewable energy goals from wind and solar sources in San Diego County.

C-2 Meet California's RPS program requiring utilities to purchase 20% of energy from renewable sources by 2010.

C-3 Meet the Governor's Executive Order S-14-08 that increased the RPS goal to 33% by 2020.

C-4 Improve the reliability of power delivery to the communities of Boulevard, Jacumba and surrounding communities.

(Draft EIR/EIS at A-11).

E4-2

Building nothing will not attain these objectives. Alternatives analysis under the CEQA and the National Environmental Policy Act (NEPA) is bound by a rule of reason and is limited to alternatives that meet fundamental project purposes. As stated in the DEIR/DEIS, "CEQA requires that the environmentally superior alternative be selected from a range of reasonable alternatives that could feasibly obtain the basic objectives of the project." (DEIR/DEIS p. E-31; CEQA Guidelines sec. 15126.6(a)). Further, the analysis does not adequately consider the environmental benefits of additional renewable generation serving the San Diego and Southern California region, such as reduced air pollution and greenhouse gas emissions related to electricity generation that would be foregone if the projects are not built. Additional comments on the benefits of the ESJ Gen-Tie line Project are set forth in a subsequent section of these comments.

Additionally, the statement in the DEIR/DEIS that "all environmental impacts associated with the construction and operation of the Proposed Project would be eliminated and existing environmental conditions would be unaffected" is contradicted by the statement on the same page that "if the proposed ESJ Gen-tie project were not constructed, it is likely that an alternative gen-tie would be constructed. The impacts associated with this gen-tie would be expected to be similar". (DEIR/DEIS p. E-31). Therefore, the DEIR concluded that the no project alternative was not environmentally superior. For these reasons, the Final EIR/FEIS ("FEIR/FEIS") should conclude that the environmentally superior alternative for the combined Project includes the ESJ Gen-Tie line Project Alternate Alignment and that the No Project Alternative is **not** the environmentally superior alternative for the combined Project.

E4-2 Cont.

Fire Risk

The DEIR/DEIS concludes that the ESJ Gen-tie line Project presents unavoidable significant impacts as to the risk of fire from the transmission line (Impact FF-2) and also with regard to fire protection response activities (Impact FF-3). ESJ disagrees with these conclusions and recommends that they be changed to Class II impacts.

E4-3

Attached to these comments is an additional comment letter, dated March 3, 2011 from Mr. James Hunt, who is a former firefighter, Fire Department Chief Officer, and frequent consultant concerning fire protection planning, fire code consulting, firefighter training and emergency management issues (see Attachment 1). He concludes that the ESJ Gen-tie Line Project would not present a significant risk of fire ignition, fire spread, or impediment to fire protection activities. In summary, he notes that site vegetation conditions in the location of the ESJ Gen-tie line Project present a relatively low risk of fire ignition and fire spread, and presents only routine challenges to controlling a fire. He explains that fighting a fire in the area of a high-voltage transmission line is within standard firefighting procedures and training. He also notes that aerial attack for such a fire in the ESJ Gen-tie line Project is unlikely to be needed. For these reasons, and others included in Mr. Hunt's comment letter we recommend that the conclusions for impacts FF-2 and FF-3 be changed to Class II.

E4-3 Cont.

Though ESJ concludes that the impact of the ESJ Gen-tie line Project is insignificant for fire risk, and in an effort to address public concerns about fire issues in the East County, ESJ is nevertheless willing to participate in funding additional mitigation in proportion to the small degree to which its project components add to regional fire protection needs.

ESJ has entered into an agreement with the Rural Fire Protection District to provide Fire Protection Services for the ESJ Gen-tie line Project, and has completed a Fire Protection Plan which has been approved by the District.

E4-4

In addition, the County of San Diego as well as representatives of the Tule Wind Project, have informed ESJ that an agreement for additional mitigation has been reached with the San Diego County Fire Authority. This agreement will provide additional mitigation by funding additional fire inspection capability for the County Fire Authority. Again, even though ESJ believes that the impact of the ESJ Gen-tie line Project is insignificant for fire risk, ESJ is nonetheless willing to participate in such an agreement to provide additional mitigation, provided that ESJ's financial commitment associated with this agreement is proportionate to the small degree to which the ESJ

Gen-tie line Project contributes to regional fire protection needs. The County of San Diego has assured ESJ that this would be the case.

Finally, as a result of these additional mitigation measures, consisting of funding of additional fire inspection capability and fire protection services, ESJ believes that these two measures address mitigation measure FF-6: Funding for FireSafe Council, since the agreements with the Rural Fire Protection District and the San Diego County Fire Authority address the provisions of FF-6 more effectively and directly.

E4-4 Cont.

Air Quality

The DEIR/DEIS includes that short-term air emissions associated with construction of the ESJ Gen-tie line Project are unavoidably significant (Class I) solely because of fugitive PM10 emissions. ESJ believes this conclusion is incorrect.

The calculations used by the PUC to evaluate PM10 emissions impacts were developed by ENTRIX (now CARDNO), DOE's consultant for preparation of the DOE DEIS document. Specifically, the CPUC used the calculated values included in the Draft EIS.

E4-5

ESJ has worked with CARDNO consultants to evaluate and correct certain assumptions that were previously made in the calculations. The results of those modifications are included in Table 1 below. The specific assumptions and other factors that were modified to arrive at these revised emission estimates are contained in Attachment 2.

These revised calculations show that all of the Project's criteria emissions are below the respective significance thresholds. Specifically for PM10, peak PM10 emissions for the Project are estimated to be 84.5 lb/day of fugitive dust plus 3.5 lb/day of combustion particulates for a total Project PM10 emission rate of 88 lb/day and annual total PM10 emissions are approximately 2.0 tons. Thus, Project PM10 emissions are significantly below the U.S. EPA

transportation conformity significance threshold of 70 tons per year used in other CPUC DEIR's (which ESJ believes is the correct significance threshold to use in this case), and they are also below the significance threshold of 100 lb/day that was used by the PUC in its draft document. In either case, ESJ's air quality emissions are below the significance thresholds.

Table 1 - Estimated Maximum Construction Emissions[1]

Criteria Emissions	Peak lb/day	Threshold lb/day	Significant Yes/No	Total tons[2]	Threshold tons[2]	Significant Yes/No
Reactive Organic Gases (ROG as CH_4)	8.0	75	No	0.21	14	No
Carbon Monoxide (CO)	37.3	550	No	0.95	100	No
Oxides of Nitrogen (NO_X as NO_2)	74.0	250	No	1.92	40	No
Sulfur Dioxide (SO_X as SO_2)	0.1	250	No	0.00	40	No
Combustion Particulates (C-PM_{10})	3.5	100	No	0.09	15	No
Combustion Particulates (C-$PM_{2.5}$)	3.1	55	No	0.08	10	No
Fugitive Dust (F-PM_{10})	84.8	100	No	1.94	15	No
Fugitive Dust (F-$PM_{2.5}$)	15.7	55	No	0.34	10	No

Notes:
[1] Includes dust suppression measures required by the SDAPCD
[2] Entire project
Fugitive dust and combustion particulates are determined exclusively; C = combustion particle, F = fugitive dust
Sources: SCAQMD 2008, EPA 2011, SDAPCD 1998, ICAPCD 2007, CSD 2007

E4-5 Cont.

For these reasons, we believe that conclusion for air quality, should be Class II or Class III.

Visual Resources

E4-6

ESJ agrees with the conclusion and the DEIR/DEIS that the ESJ Gen-tie line Project does not present an unavoidable significant impact.

ESJ notes that the PUC's conclusion that certain views of the ESJ wind turbine installations in Mexico are unavoidably significant is based on only two KOPs, which have a limited number of

viewers. These receptors are primarily limited to the topographically superior vantage points in southwest Jacumba near the water reservoirs and recreational motorists on a short section of Old Highway 80. We also note that for many viewers northwest of the ESJ wind turbine installations in Mexico, there would be an intervening 600 foot mountain (Airport Mesa) that would shield the turbines from view in the northern areas of Jacumba and sections of Old Highway 80.

E4-6 Cont.

Importantly, since the visual analysis was conducted, the intactness of the Sierra Juarez landscape has been compromised by the construction of the Parque Eólico La Rumorosa I wind energy project facility. This wind project was undertaken and funded by the Mexican government and consists of 5 - 2MW Gamesa G-87 wind turbines on approximately 78 meter towers (similar tower heights as will be used by ESJ), on land approximately 5 km (3 miles) away from the southern extent of the ESJ Wind Project. These turbines are currently visible from Old Highway 80, BLM lands, and the community of Jacumba. All five of the turbines have night lighting for aviation hazards.

E4-7

This unconnected action has compromised the intactness of the landscape and the evaluation of the existing scenic quality should be lowered due to the presence of these new focal points on the silhouette of the Sierra Juarez Mountains. This lowering of the scenic quality baseline conditions would negatively alter the evaluation of the assessment of the level of contrast created by the ESJ Wind Project and its resultant effects on the visual environment.

The DEIR/DEIS should also discuss the fact that some wind turbines in Mexico will be partially or wholly hidden from view by intervening hills and freeway road cuts from some perspectives, including travelers on Interstate 8, Old Highway 80, and the community of Jacumba.

Therefore, based on the fact that the conclusion of significance was based on only two KOP's which are topographically superior vantage points, that there are natural obstructions (Airport Mesa) for many viewers to the northwest of the ESJ turbines which would shield them from view in northern areas of Jacumba and sections of Old Highway 80, and since the visual simulations were prepared, the intactness of the Sierra Juarez landscape has been compromised by the

E4-8

installation of an unrelated wind turbine project, thus lowering the scenic quality baseline conditions in turn lowering the level of contrast created by the ES Wind Project, ESJ believes that the conclusion of visual impacts of the wind turbines located in Mexico should be changed from Class I to Class II.

E4-8 Cont.

Cultural Resources

The DEIR/DEIS concludes that impacts on cultural resources are not significant except for assumed impacts on Tribal Cultural Properties (TCPs). The DEIR/DEIS reasons that consultation with Indian tribes is not concluded and, therefore, TCP's could be present, could be significant, and could be impacted by the ESJ Gen-tie line project (D7 -34; D7-67). This conclusion is based upon layers of worst-case speculation rather than substantial evidence. The conclusion appears to have been repeated from the analysis of the Tule Wind Project rather than based upon a specific analysis of the ESJ tie-line Project.

Multiple tribal consultations have occurred with regard to be ESJ Gen-tie line Project. Notifications of all tribes identified by the Native American Heritage Commission were sent by the Department of Energy in the course of preparing the Draft Environmental Impact Statement ("DOE DEIS") for the ESJ Gen-tie Line Project. Consultation was requested by the Campo Band of Mission Indians, and a meeting with the Tribal Chairperson occurred on September 16, 2009. The Tribal Chairperson expressed satisfaction with the consultation at that time and considered it to be completed. No TCP's were identified.

E4-9

In addition, the Quechan Tribe Historic Preservation Officer communicated with the DOE on November 30, 2009 stating that the ESJ Gen-tie line project appeared to lie outside the traditional land area of the Quechan Tribe and that the Quechan Tribe would defer to the Kumeyaay (Campo Band). Information concerning these consultations and records of communication are contained the Appendix D.1 of the DOE DEIS.

The CPUC and BLM should have a copy of the DOE DEIS prepared in conjunction with the ESJ Gen-tie - Presidential Permit Application and in fact have referred to it in the course of preparing their DEIR/DEIS. However, for completeness, ESJ is submitting a copy of the DOE DEIR/DEIS in the form of a CD (see Attachment C) and requests that it be included in the CPUC and BLM administrative record. Based upon this prior consultation on the identical project already analyzed in the DOE DEIS, substantial evidence is provided of no significant impact on TCPs for the ESJ Gen-tie Line Project. Therefore, the conclusion should be Class III, no impact.

E4-9 Cont.

Additional Topics

ESJ also provides comments below concerning additional topics covered by the DEIR/DEIS or that may arise in the course of agency review.

Biological Resources

ESJ generally agrees with the analysis and conclusions in the Biological Resources sections of the DEIR/DEIS, in particular that impacts on sensitive species from construction or operation of the ESJ Gen-tie line are not significant. ESJ suggests some additional information that should added to several sections of the DEIR/DEIS section D.2 on biological resources to clarify the analysis. Additions to the text follow:

E4-10

Pg D.2-109

Regarding the existing conditions section addressing Peninsular bighorn sheep, the proposed ESJ Gen-Tie project site is located in a low-lying valley of flat contiguous habitat does not overlap with steep, rocky terrain preferred by the Peninsular bighorn sheep to the north, northeast, and west of the site.

Pg D.2-110 first paragraph

It should be noted that terrestrial mountainous species, likely use the Jacumba Mountains that are to the north, northeast, and east for regional connectivity. The mountain habitat is contiguous to the northeast and I-8 underpasses located across Devil's Canyon and In-Ko-Pah Gorge provide safe passage for terrestrial wildlife species to the south. Additionally, the division of the I-8 highway in these areas shortens the distance for at grade wildlife crossings. Although wildlife may use the proposed ESJ Gen-Tie project site for forage and cover, regional terrestrial movement across the valley floor where the ESJ Gen-Tie Project area is located is minimal due to the barriers described in the draft EIR/EIS and due to the options of connectivity and corridors located north, northeast, and east of the project area.

E4-11

Pg D.2-110 second paragraph

It is unlikely that significant avian migration is funneled through the project area. The project area does not contain large bodies of water, wetlands, significant forest patches or other ecological resources that would attract large numbers of hawks, water birds, or songbirds to the area. Additionally, the open valley topography of the project site is not conducive to funneling avian activity in concentrated fronts unlike canyons and narrow valleys known to channel migration flights such as Butterbredt Spring (Schram 1998) in Kern County, California, which are not present in the Project site.

E4-12

Pg D.2-171 first paragraph

The proposed ESJ Gen-Tie Project is unlikely to have an adverse impact on bighorn sheep given the permeability of the project design and because movement is likely concentrated within critical habitat that is located north, northeast, and east of the project area. The critical habitat area offsite contains contiguous mountain habitat for bighorn sheep movement and allows for regional movement between the U.S. and Mexico. There are minimal resources on the proposed project site that would attract sheep to this specific area. In the approximately 3 years that field evaluation activities have been taking place, ESJ project personnel (including environmental consultants) have never sighted a bighorn sheep in the gen-tie route during the three years they have been frequently visiting the area nor in the area where the wind turbines will be located in

E4-13

Mexico. This is not surprising, given the high amount of human traffic in this area and specifically in the gen-tie area including by recreational shooters, the border patrol and others. The proposed ESJ Gen-Tie Project would have a minimal impact on avian migration because Project facilities do not provide a barrier for avian movement in the region.

E4-13 Cont.

Pg D.2-183 third paragraph

Concentrated large numbers of avian migrants are not likely to be funneled through the ESJ Gen-Tie Project area based on lack of ecological magnets or topographical features that would channel flight through the project area. Adverse impacts from the presence of transmission lines and towers are expected to be minimal.

ESJ also requests that Mitigation Measure 10(b) not be applied to the ESJ Gen-tie line Project. This measure appears to have been developed for the Tule Wind Project. The wildlife resource agencies have not expressed concern with collision or electrocution impacts related to the ESJ Tie-line Project. Therefore we do not believe the avian protection plan provided by Measure 10(b) is applicable to the ESJ Project.

E4-14

Connected Actions

ESJ generally supports the approach taken in the DEIR/DEIS with regard to connected actions and the determination that the Sunrise Power link is not a connected action. We also agree that the new line to the Boulevard Substation is not a connected action. One fundamental basis for these conclusions is that these projects do not depend upon ESJ and have independent utility.

The Sunrise Powerlink will improve reliability of the SDG&E system and facilitate transmission of power from renewable projects to San Diego and Southern California regions (CPUC Final Decision 08-12-058 - Granting Certificate of Public Convenience and Necessity for the Sunrise Powerlink Project, dated December 24, 2008, section 3.1).

E4-15

The ECO Substation and Boulevard line also have independent utility since they are intended, among other things, to improve reliability of electrical service in the area and facilitate interconnection of other renewable projects in the region. (SDG&E Proponent's Environmental Assessment, page 2-9). In any event, both projects are fully analyzed in the DEIR/DEIS.

The Sunrise Powerlink project was exhaustively analyzed in its own FEIR/FEIS which included the ESJ Gen-tie line Project as a connected action. There is no need to analyze it again in the ECO Substation EIR/EIS. Therefore, the Sunrise Powerlink project is appropriately treated as a cumulative impact topic in the PUC's ECO DEIS/DEIR.

E4-15 Cont.

Benefits of the ESJ Gen-tie line Project

ESJ believes, as noted above, that various topics within the analysis of impacts for fire, air quality, cultural, and visual impacts should not be classified as Class I, unavoidably significant impacts.

ESJ also notes that pursuant to CEQA section 21082.2(e), decision making agencies may make their own determinations with regard to significance of impacts supported by substantial evidence. However, in event that any impacts of the ESJ Gen-tie Line Project are determined to be unavoidably significant, ESJ believes that a decision making agency could readily find that the economic, legal, social, technological or other benefits of its project clearly outweigh any such limited residual impacts.

E4-16

Benefits of the ESJ Gen-tie Line Project include:

- Jobs: Construction of the ESJ Gen-tie Project is expected to employ 20 to 25 workers. Constructors and trucking firms from San Diego would likely serve a portion of the

equipment delivery and construction requirements for wind turbine facilities in Mexico as well.

- Purchases: Project construction will require purchases of equipment and supplies within San Diego County. With respect to the entire Project, additional purchases will also occur in other areas of the United States. These could include items such as wind turbines, wind turbine blades, transformers, electrical equipment and other materials. ESJ also intends to purchase water to be used for dust suppression during construction from the Jacumba Community Service District.
- Taxes: The project would increase sales and property tax revenues to San Diego County.
- Renewable Energy: The ESJ Gen-tie Line Project will interconnect with the ESJ Wind Project in Mexico and enable delivery of renewable energy from that project to the U.S. grid for delivery to California based electric utilities. These power deliveries will contribute to satisfaction by these utilities of mandates under California law to increase the portion of electricity produced by renewable generation sources. This in turn reduces dependence on fossil fuels which is an established public policy goal in California and nationally. Renewable energy mandates and the present status of the California requirements for procurement of renewable energy are further discussed in the DEIR/DEIS pages A-7 to A-8.
- Air Pollution and Greenhouse Gas Reductions: Renewable sources of generation, such as wind, produce no air emissions during operation. Therefore, to the extent such generation displaces fossil fuel generation which either exists or would need to be built, it produces a net reduction in electrical system emissions. A discussion of this effect is set forth in the DOE DEIS, pp. 3-145 to 3-146, and incorporated herein by reference.

E4-16 Cont.

Recirculation

As is often the case, project opponents may recommend recirculation of the DEIR/DEIS. ESJ does not believe such recirculation is warranted. Recirculation is required in limited

E4-17

circumstances of "substantial new information" and other narrow categories set forth in the CEQA Guidelines, section 15088.5. ESJ is not aware of any substantial project changes or evidence of other matters that would trigger the need for recirculation. It is important to note that recirculation is not required just because numerous comments are submitted which require additional analysis to be included in the Final EIR.

E4-17 Cont.

ESJ is also concerned about project delays. ESJ understands that the County of San Diego currently intends to utilize the ECO DEIR/DEIS in the course of its review of ESJ's required application for a Major Use Permit from the County. To the extent that the ECO DEIR/DEIS is delayed, the ESJ Gen-tie Line Project is also delayed and the benefits of delivering additional renewable energy to the San Diego region are also delayed.

We believe that the CPUC and BLM should take enough time to adequately respond to comments on the DEIR/DEIS and improve or revise the analysis to the extent necessary in the FEIS. However, the CPUC is not required to start the commenting process over again and indeed there is no reason to. This is particularly evident for the ESJ Gen-tie Project, which has already been analyzed in detail in two other Environmental Impact Statements -- once in Sunrise Powerlink FEIR/FEIS and once in the DOE DEIS.

E4-18

Thank you for the opportunity to comment and for a thorough and well-prepared DEIR/DEIS document. Please contact me if you have questions concerning these comments.

Sincerely yours,

Alberto Abreu

Cc: Patrick Brown

Attachment 1 is considered Comment E4-19.

Attachment 1

Hunt Research Corporation
Founded 1979
JAMES W. HUNT, President

3-3-11

Dr. Fisher (CPUC) and Mr. Thomsen (BLM)
c/o Dudek
605 Third Street
Encinitas, California 92024

Re: Comments regarding the ECO Substation, Tule Wind, and ESJ Gen-Tie Project Draft EIR/EIS, Section D.15, Fire and Fuels Management

Dear Dr. Fisher (CPUC) and Mr. Thomsen (BLM):

Thank you for the opportunity to provide the following comments on the Draft Environmental Impact Report/Environmental Impact Statement for the East County Substation/Tule Wind/Energia Sierra Juarez Gen-Tie Projects (Draft EIR/EIS).

My name is James W. Hunt, and I am the principal of Hunt Research Corporation. I have 48 years of experience in fire protection, including as a firefighter and Battalion Chief/Incident Commander with major fire departments, an adjunct faculty member/ instructor in various subjects including firefighting, fire service management, emergency management, and Incident Command System (ICS) for the FEMA National Fire Academy and State Fire Academy, the University of California, Santa Barbara, and California State University, Long Beach. I have also served as a Fire Department Training officer. I have 32 years experience as a fire protection consultant.

POST OFFICE BOX 291 • SOLVANG, CALIFORNIA 93464 • PHONE: (805) 688-4625 • 1-800-737-2826 • FAX: (805) 688-0275
E MAIL: jhunt2@gte.net WEBSITE: www.huntresearch.com

The following are my comments, observations, and suggestions regarding certain information in Section D.15, Fire and Fuels Management, of the Draft EIR/EIS. They are provided with the objective of offering possible revisions to help the Draft EIR/EIS to present an objective, real-world review of the net fire risks associated with the ESJ Gen Tie project. These comments are limited to the ESJ Gen Tie project.

Sempra Energy requested that I review the Draft EIR/EIS, Section D.15, Fires and Fuels Management, insofar as it relates to the ESJ Gen Tie Project, and provide any comments as a third-party reviewer. I have the following comments:

1. Page D.15-57: ESJ Gen Tie Project: Electric Transmission Line; Potential Wildfire Ignitions

I disagree with these two paragraphs regarding the risk of the transmission lines. The EIR overstates the risks. Transmission lines of this type have excellent safety records and are designed to withstand high winds. They are on steel (non combustible) towers. The extensive fuel modification proposed in the Right Of Way (ROW) will comply with all Fire Code and Fire Agency requirements, and there will be no contact between vegetation and power lines. This should result in an insignificant probability of ignition of vegetation. The vegetation around the power line ROW is relatively light and will be even less after fuel modification. Biologists for EDAW estimate the vegetation coverage at about 35% (5-19-09 letter from Michael Page, EDAW, to J Heredia; Sempra). This indicates that the vegetation has broken continuity rather than solid unbroken continuity. Broken continuity assists in not spreading fire from bush to bush. The National Fire Protection Association (NFPA) study" Brush, Grass and Forest fires", August 2010, states that out of the total wildland fire data analyzed in the study, only 4% were caused by electrical power/utility lines. It also states that local Fire Department responses to wildland fires for pipelines, power lines, and other utility rights of ways account for only 1% of the fires. This is an insignificant percent of the total wildland fires.

Please refer to the approved Fire Protection Plan, which I prepared, for the proposed mitigations. See attached. The Plan was approved by the San Diego Rural Fire Protection District, by letter dated 7-15-09. All comments/corrections issued by the San Diego County Fire Authority Fire Marshal regarding the FPP were made in the revised FPP, as acknowledged in their November 25, 2009 letter.

Power lines, like the 230kV and 500 kV alternatives proposed by ESJ, are unlikely to be the source of spark resulting in a wildfire. A line break is a very rare occurrence and should not reasonably be assumed. Additionally, vegetative contact with the gen-tie is very unlikely to occur because the vegetation in the area is such that it will not grow sufficiently so as to reach the electrical line. The major fires in 2007 in San Diego County did not involve high voltage lines, as stated in the Draft EIR/EIS page D.15-11. Further, the distance from the nearest residence, including a trailer, to the ESJ gen-tie is approximately one-half mile away, while the nearest population center (Jacumba) is approximately 4 miles away. Fire protection personnel and equipment are located at The Rural Fire Protection District Fire Station #43 in Jacumba, approximately 4 miles/ 7 minutes driving time from the proposed project. Thus, the potential for either of the two alternative lines proposed by ESJ to be the source of ignition causing a wildfire is very small, and is manageable. As such the potential risk of fire related to the Gen-tie line should not be classified as unavoidably significant, in my opinion.

2. Page D15-62-: Section D.15.3.1: Obstructions to Fire Suppression Efforts; Ground Based Firefighting:

The obstructions to fire suppression efforts are overstated by the EIR. In my opinion, as a former Firefighter and Chief officer, who has responded to power line incidents, the project does not create any obstruction to fire suppression efforts. I can also state as a former Fire Department Training Chief that firefighters have extensive training and experience in handling incidents involving power lines, including those relating to a downed power line. CALFIRE has specific tactics for handling such incidents, which includes their "Three Stripes Policy" of flagging off the area and staying 25 feet back

from a downed line until there is confirmation the power is off. Any vegetation fire caused by an arcing wire would be controlled by firefighters and contained to the right of way. The fire in the Right Of Way (ROW) in proximity to the downed wire can be allowed to burn out. The fuel modification in the ROW should prevent any potential for arcing to ground (phase to ground shorts). Water would not be directed onto the power lines. Such types of emergency calls are not challenging incidents, especially in a sparsely populated rural area such as this. The Fire agency response to any fire on the ROW will be more than adequate to handle the incident.

3. DE.15-63: Section D.15.3.1: Aerial Firefighting:

It is my understanding that the area of the ESJ-Gen-tie project would not be considered an automatic "no fly zone" by CALFIRE after the project is built. Determinations regarding use of aircraft on a fire would be made on a case-by-case basis. (per conversation with Fire Chief Nissen, Rural Fire Protection District 2-28-11, who spoke with Battalion Chief Ray Chaney, CALFIRE, who is in charge of their Air Operations program). The provision of the required Fuel Modification Zones in the ROW should result in a relatively slow burning fire with low flame lengths. Aerial attack is therefore unlikely to even be needed due to the light vegetation and the fuel modification. Fire fighting aircraft would not make water or retardant drops through power lines. Any downwind ignition caused by airborne embers could be readily extinguished by fire companies. As stated earlier, the power lines should not obstruct firefighting operations, as the tactic will be to confine the fire to the ROW and immediate area by flanking the fire, without going under power lines. Effectiveness of ground and aerial firefighting should not be affected.

4. Table D.15-7 and Section D.15.6.1: Underground alternative:

In my opinion, the risk presented by overhead, cross-country, power transmission lines is low. Such lines run all over the country, over freeways, and other structures and have a

very good record. I see no valid reason to put these overland high transmission lines underground, because of the low fire risk and unpopulated rural area.

5. Summary:

With the inclusion of the safeguards included in the required and approved Fire Protection Plan (FPP) and with compliance with all local and state requirements for power lines, it is my opinion that this power line installation will not present a significant fire risk.

Respectfully submitted,

James W Hunt
Hunt Research Corporation

Resume

James W. Hunt
P. O. Box 291
Solvang, California
93464
(805)
688-4625/800-737-2826
Fax (805) 688-0275
Jhunt2@gte.net
March 2011

EXPERTISE:

Fire Protection Planning, Fire Code compliance, and Risk Analysis for residential, institutional, commercial, industrial and petrochemical and energy related developments. Wildland Urban Interface Fire Protection Planning, Vegetation Management plans, Hazardous Materials Management, Standards Development, Plan Review, Emergency Planning and Risk Management. Risk Management Plans, Business Plans, Hazardous Materials Management Plans, scenario based corrective actions, Fire Station location studies, Fire Department Strategic Plans, Fire safety elements of EIR's and General Plans.

FIRE SERVICE EXPERIENCE:

48 years extensive Fire Service related experience in Southern California. 16 years Fire fighting experience. Served in all Fire Service ranks including Battalion Chief with the City of Huntington Beach.

Responded to and commanded numerous structural, petroleum, hazardous materials, EMS and wildland emergencies, as a Captain and Chief Officer.

Served as Fire Department Training Officer and Assistant Fire Marshal. Established and enforced new development conditions for numerous petroleum and hazardous materials facilities. Designed and enforced Fire codes and standards in petroleum and hazardous materials facilities. Have served as an instructor in the field of emergency management, ICS, firefighting, fire protection and fire prevention, since 1967.

CONSULTANT EXPERIENCE:

President of Hunt Research Corporation since 1979. Specializing in Risk Management, Fire Protection Planning, Fire Vegetation Management Plans, Fire Code compliance, Emergency Planning and Hazardous Materials Management. Serve as consultant to governmental agencies and industry. Extensive experience

conducting Fire Department studies, Preparing Strategic Plans, and conducting Fire Station location studies.

Fire Protection Projects Involving Commercial, Industrial, Residential and Institutional Facilities:

Extensive experience in Hazard Analysis, Risk Assessment, Fire Code compliance, and Fire Protection planning for oil and gas facilities, refineries, pipelines, airports, water treatment facilities, chemical plants, power plants, energy related projects, hazardous materials users, Storage facilities, plating plants, LNG facilities, Hydrogen gas plants, solar plant, wind farm, and other industrial/commercial facilities, retirement communities, shopping centers, institutions, residential developments in wildland/urban interface areas. Review of detailed Fire protection system and equipment plans and specifications. Project consultant for all stages of development including Environmental Impact Reports, Specific Plans, planning and plan review. Produce Fire Protection plans, Vegetation Management plans, Business Plans, Hazardous Materials Management Plans, and Risk Management Plans. Develop Public Safety elements for General Plans. Conduct Fire Station Location Studies. Conduct vegetation and Structural Risk Assessments of Communities. Have extensive background in planning and specifying Fire protection equipment systems and procedures for protection of complex fire risks, P&ID review and review of various documents for compliance with codes and standards, and the review of process safety and Fire prevention procedures.

Project Involvement:

Have been involved in projects for the following companies as a consultant for the company or the local governmental agencies. Some of those projects include the following:

Commercial, Industrial, Residential:

Camino Real Marketplace Shopping Center
Chevron Texaco Hydrogen Fuel Processor Test Facilities
Western LNG Facility: Southern California Gas Company
Union Pacific Railroad LNG Facility (Los Angeles)
Burlington Northern Santa Fe Railroad Tank Farm (Los Angeles)
Sempra Energy company
Blythe Solar plant
Iberdrola Wind Farm
County of Santa Barbara
Los Angeles County Fire Department
Hyatt Hotels
Red Lion Hotels
Sheraton Hotels
Hampton Hotels
Santa Barbara Resort and Spa
Santa Barbara Botanic Garden

Heritage House assisted living facility
Maravilla Retirement Community
Spectrum Chemical Company
Valley Plating Works
Reno International Airport
Pacific Offshore Pipeline Company
Coastal Oil & Gas
Conoco Oil
Exxon USA
General Motors Corporation
Mobil Oil Company
Chevron USA
Texaco
All American Pipeline Company
Phillips Petroleum
Shell Chemical Company
Husky Oil
Atlantic Richfield Company (ARCO)
ARCO L.A. Refmery Hydrogen Plant
Unocal
Mariposa Pipeline
Pacific Pipeline
Stocker Resources Inc. Gas Plant
Hallidor Petroleum
Colton Bishops Storehouse
Tidelands Oil Production Company
Delco Electronics (Hughes Aircraft)
Los Angeles Department of Water & Power
Gruber Engineering
Wilco Products
City of Santa Cruz Golf Course
AMV AC Chemical Company
Shell Equilon Chemical Company
Molino Energy Company
Benton Oil & Gas Company
Air Products & Chemical, Inc.
Standard Pacific properties
Spring Pacific Properties
Signature Properties
Bluegreen West
Providence Landing Project
Reliant Energy Power Plant; Casagrande Arizona
Duke Energy Power Plant; Morro Bay
Otay Mesa (Cal Pine) Power Plant; San Diego
AES Power Plant; Huntington Beach
Blythe Power Plant

Vernon Power Plant
Orange Grove Power Plant; Fallbrook
Lagasse Brothers Janitorial Supply
Reinhold Plastics
Los Angeles Chemical Co, South Gate
Royal Paper Co., Santa Fe Springs
Flint Group Ink Company; Santa Fe Springs.
Sonoma County Hazardous Waste facility
J.B Dental Supply; Carson Cal and Coppell Texas
Roland Corp; Commerce Cal
Burlington Northern Santa Fe Modular Trailer storage facility; Commerce Cal
Burlington Northern Santa Fe Rail /truck loading facility; Los Angeles
Imation Corp, Camarillo
Kemiron Pacific, Fontana Cal
Vulcan asphalt plant; East Otay
Emultech asphalt tank farm; West Sacramento
CCA prison; East Otay
Texaco Global Energy
Miller Brewing Company
MSE Environmental; Camarillo Calif.
General Plating Co, Commerce Calif
LDS church project; Fallbrook Calif
Pinamonte Development; Fallbrook Calif
Shea Homes
Covington Development
Centex Homes
Cypress Land Co
Zurn Products
Galaxy Botanicals Co, Oxnard
Yosemite Plaza Shopping Center; Groveland Cal
Barona Reservation; San Diego County
Viejas Reservation; San Diego County

Numerous additional clients for residential, industrial and commercial Fire Protection and Vegetation Management Plans in the Urban Wildland Interface areas (over 150 completed).

Emergency Planning Projects:

Experience includes Risk Assessment, writing and reviewing emergency response plans, spill response plans, emergency checklists, design of Incident Command Systems, Standardized Emergency Management Systems (SEMS), Emergency operations center design, exercise design, conducting major exercises. Have designed or reviewed emergency plans for major nuclear facilities, petroleum installations, government agencies, high rise and hotels. Have designed model emergency response plans for government and industry. Have taught Incident Command System and emergency management courses throughout the country, since 1975. Introduced the Incident Command System to the Federal Emergency Management Agency (FEMA) National Fire Academy in 1980. Co-inventor of the nationally used "Incident Command System" vests, and mobile command post hardware.

Project Involvement:

Have been involved in projects for the following companies as a consultant to industry or government (refer to next page)

City of Ventura
County of Ventura Public Health
Los Angeles County Jail
City of Huntington Beach
County of Santa Barbara
City of San Luis Obispo
Livermore Nuclear Laboratories (DOE) (held a secret clearance)
Chevron USA
Exxon USA
Texaco
Shell Oil Company
All American Pipeline Company
Unocal Corporation
Pacific Offshore Pipeline Company
ARCO Oil & Gas
Hallidor Petroleum
Diablo Canyon Nuclear Plant
City of Dallas, Texas
Red Lion Hotels
Cuesta College
Santa Maria School District
Molino Energy Company
Santa Barbara Club Resort & Spa
Casa Grande Arizona Fire Department
Karl Stortz Imaging
City of Azusa

EDUCATION & CERTIFICATION

Associate in Arts Degree	Police Science	1963
Associate in Arts Degree	Fire Science	1966
Lifetime Instructors Credential;	State of California	1976
Bachelor of Science Degree	Fire Science	1985
National Fire Academy	Graduate	1989
Hazardous Materials Management Specialist	Certificate	1990
Professional Fire Safe Inspector	California	1999
California State Fire Academy	Graduate	1996

COMMITTEE MEMBERSHIP

- Fire Prevention Officers Association: Flammable Liquids & Gases, & Wildland-Urban Interface Fire code committees;
- U.S. Task Force on Sheltering-in-Place During Hazardous Materials Emergencies; EPA/FEMA

* Santa Barbara Fire Safe Council
* Western Fire Chiefs Association Wildland-Urban Interface Planning Task Force:
* Community Awareness & Emergency Response (CAER), Santa Barbara County.
* National Fire Protection Association Wildland Fire Management Section.

PUBLICATIONS

- 18 articles in National Fire Protection publications regarding hazardous materials and other fire protection issues;
  Book: *Development Strategies in the Wildland-Urban Interface* (WFCA 1991);
- Four nationwide training courses for the National Fire Academy;
- Multi-Agency Oil Spill Response utilizing the Incident Command System "Occupational Health & Safety Magazine" June 1993.
- Book: *"The I Zone: California's Mitigation Strategies"* (State Fire Marshal; 1996)
  Paper: *"Scenario Based Fire Protection Planning for New Development"* presented to the California Fire Prevention Officers Institute (Jan 2002)

ADJUNCT FACULTY INSTRUCTOR AND CURRICULUM DEVELOPMENT EXPERIENCE:

- FEMA (Dept of Homeland Security) National Fire Academy
- California State Fire Academy
- California State Fire Service Training
- UCSB
- Long Beach State University
- Santa Barbara City College
- Hancock College
- Bakersfield College
- Idaho State Fire Service Training

9-10-09

David Nissen
Fire Chief
Rural Fire Protection District
14145 Campo Rd (Highway 94)
Jamul Calif 91935

County of San Diego
Department of Planning and Land Use
Paul Dawson
County Fire Marshal
5201 Ruffin Road, Suite B
San Diego Cal 92123

Gentlemen:

Subject: **SHORT FORM FIRE PROTECTION PLAN; LETTER REPORT; REVISED.**
Energia Sierra Juarez U.S. Transmission Gen-Tie Project (ESJ Gen-Tie.); Jacumba

1.INTRODUCTION:

This revised Fire Protection Plan letter report is being submitted as an evaluation, pursuant to the requirement of the Rural Fire Protection District (RFPD) Fire Chief, and the County DPLU, of the adverse environmental effects that the proposed Energia Sierra Juarez Gen-Tie (ESJ Gen-Tie) project may have from wildland fire and mitigation of those impacts to ensure that the project does not unnecessarily expose people or structures to a significant risk of loss, injury or death involving wildland fires. The use of the short form Fire Protection Plan has been approved by RFPD Fire Chief David Nissen, and by the DPLU County Fire Marshal, Paul Dawson. Revisions in the original plan, dated 5-22-09, have been made in this edition to comply with the comments of 7-15-09, from the DPLU Fire Marshal. The RFPD has approved this Fire Protection Plan.

Emergency Response:

The project is within in the Rural Fire Protection District, who is the "Authority Having Jurisdiction". Staffing is by CALFIRE. Initial response is provided from Fire Station 43 at 1255 Jacumba Street, in Jacumba. Response distance is approximately 4 miles. The staffing currently includes two firefighters 24/7 year around plus 4 volunteers. This station has the following apparatus: A 1,000 GPM structural fire engine and a 1,800-gallon water tender. This station currently responds to about 7-10 calls per week. The additional responding Fire Companies for emergencies, are:

- CDF Whitestar Fire Station in Campo (staffed 24-7; CDF Schedule A contract).
- Campo Indian Reservation Fire Department.
- Boulevard Volunteer Fire Department; Volunteer.

The next closest Rural Fire Protection District Fire Engine is Lake Moreno, which is about a 20-minute response. This is also a volunteer Fire Station.

Other Fire Companies are available as needed per the County and State Mutual Aid response agreements.

2. PROJECT DESCRIPTION:

The ESJ Gen-Tie project is a high voltage generator tie line to connect new renewable wind power in Northern Baja Mexico into the existing Southwest Power Link transmission line. The line would be either a single circuit 500 kV line or double circuit 230 kV line, a fiber optic line, and a grounding cable, supported on steel lattice or steel monopole towers. Towers have a concrete base. There would be 3 to 5 structures up to about 150' high for lattice towers and up to 170' high for monopoles. There are no buildings. The Right of Way (ROW) is less than 1 mile long from the International Border to the terminus in the U.S. at a proposed San Diego Gas and Electric Co. (SDG&E) East County substation (ECO Substation). The ECO substation is 3.75 miles east of Jacumba, and is south of the Old Highway 80. The facilities in Mexico are out of the scope of this report and the proposed SDG&E substation would be subject to separate fire protection approvals

3. ENVIRONMENTAL SETTING:

Location:

The site is in the O Neil Valley, approximately four miles Southeast of Jacumba and adjoining the border. This is Thomas Guide page # 430. It is approximately 2 miles southeast of the closest stick built structures. There is a trailer 0.28 miles southwest of the proposed 230 KV Gen-Tie line. The State CALFIRE FRAP fire hazard classification maps classify this area as a "Very High Fire Hazard Area".

Topography:

The average slope of the property is less than 15%. The actual Right of Way appears to be substantially flat with a slight sloping. There are no hills on the right of way. There are hills offsite.

Geology:

Soil in the ROW appears to be dirt. The legal property access road would be a 24-foot wide dirt road, with a DG surface (see Section 5 below) leading from Old Highway 80 to the power line tie in to the future SDG&E substation.

Flammable Vegetation:

The vegetation on site is considered Semi-desert Chaparral. It appears to be a BEHAVE fuel model SH-2. It is observed to be about one foot high with some jackpots that are about five foot high. It has some spacing between vegetation. Refer to site photos attached.

Climate:

The temperatures in this area can reach an extreme maximum temperature between July and October. The maximum recorded temperature occurred in July, with a temperature of about 112 degrees f. Average maximum temperature in July-September was 92 degrees f in August. Winds used in the fire models were 50 mph at 20' for a fall fire and a 20-foot wind speed of 25 mph for a summer fire. Therefore wind driven fires can occur in times when weather is hot and fuel moistures are low. A 1000-acre fire started in Mexico burned across this site in 2006. Flame lengths were reportedly about 15'.

Environmental Issues:

EDAW, Inc, the Biology and Archeology consultant for ESJ U.S., reports that there is sensitive habitat (vegetation and wildlife) present in the Right Of Way. They also state there are Cultural sites in the Right of Way. Therefore, per EDAW, fuel modification cannot be done in areas of the Cultural sites, and machinery cannot be used for fuel modification along the ROW. Fuel Modification (other than the 30' around towers which would be done) cannot be done without providing required offsetting mitigation.

4. WATER SUPPLY:

There are no buildings involved in this project and therefore there are no water requirements.

5.ACCESS ROADS:

Location:

The Fire access road would be off Old Highway 80, and would be a dirt road. It will be a twenty eight foot (28') graded width which shall be improved to about 24' in width with decomposed granite (DG) where it connects from old Highway 80 to the power line tie in (this project) to the future SDG&E substation. A turnaround will be required within 150' of the termination of the road at the substation. Consultant recommends that this

preferably be at the termination of the road. A 20' wide, dirt, access road will be provided along the right of way for maintenance of the Gen-Tie line and for patrolling of the property. Road grade on the roads is estimated to be less than 10%.

6. BUILDING CONSTRUCTION:

There will be no buildings in the scope of this project. There will only be steel towers and electrical lines. The closest structures are a trailer about 0.28 mile southwest of the property, and stick built structures about 2 miles west. The town of Jacumba is 3.75 miles west.

7. FENCING:

There will be no fencing.

8.FIRE PROTECTION SYSTEMS:

There are no buildings in this project so there are no Fire Protection systems required or necessary.

9.AIR OPERATIONS:

The applicant shall obtain letters of approval from CALFIRE Air operations, due to the potential for the operation of CALFIRE aircraft in the area during a fire. In addition, there is a small airport in Jacumba. The towers will need to comply with any applicable FAA regulations, and may need warning lights on them due to proximity of the airport and the potential for Firefighting aircraft to operate in the area.

10.DEFENSIBLE SPACE:

Per this Fire Protection Plan, this site will have 30 feet (30') of fuel modification on all sides of the towers. Within that 30 feet (30'), the area may be cleared, concreted, graveled or vegetation would be cut to 6 inches (6") high.

The PRC, Sections 4292 and 4293 Code require 10-foot (10') clearance from base of poles (or towers) and 10 feet (10') between vegetation and wires.

In addition, the CALFIRE Power Line Fire Prevention Field Guide, dated 10-08, and co authored by Sempra Energy, SDGE, and other power companies requires 10-foot (10') clearance from the base of poles (or towers), 10 feet (10') between vegetation and wires and marking of poles. The requirements in this guide would be complied with, as and where applicable to this line. This guide is on the Office of State Fire Marshal website at OSFM.Fire.Ca.Gov; click "programs", click "Wildland Fire Prevention Engineering", click "Power Line Fire Prevention Field Guide".

ESJ has agreed to provide 30' tower clearance, 10 feet (10') between vegetation and wires, and marking of towers. ESJ would also comply with any new, applicable, regulations by the PUC, CPUC, or other jurisdictional agencies.

It is the strong recommendation of the consultant that there must be no new plants, shrubs, trees, etc planted in the Right of Way or in the area 30 feet (30') on each side of the ROW, as this would increase the fire hazard and present a risk to the towers and the power lines, and can result in potentially causing arcing to the ground from wires during a fire on the ROW. Wires can also slap together during high winds and cause sparks to fall into vegetation. If new vegetation is mandated by the County for screening purposes, then there must be no new vegetation, including trees, in the ROW and 30 feet (30') on each side. In addition there must be no new vegetation, including trees, beyond the 30 feet (30') to each side of the ROW, and on the property, that is found on the Prohibited Plant List attached to this report.

It is understood, from EDAW consultants, that no fuel modification can be done in sensitive habitat, or archeological sites, or if otherwise prohibited, without permission of the County DPLU and the Resource Agencies. It is also understood that the Fire District can require additional Fuel Modification, upon inspection, subject to constraints of the sensitive habitat and Archeological sites. Per EDAW, machinery should not be used for Fuel Modification on the ROW due to the sensitive areas.

During Fuel Modification, consideration would be given, by applicant, to potentials for erosion and slope instability, in order to prevent damage to tower foundations.

11.VEGETATION MANAGEMENT:

Prescribed defensible space would be maintained on at least an annual basis, prior to May 1, or more often as needed by the applicant. All present and future owners/operators must be put on legal notice by a legally binding recorded instrument as to the requirement to maintain the vegetation in a fire safe manner.

12. FIRE BEHAVIOR MODELING

A computerized Fire Behavior Model is not required for this project per the Fire District, or the County DPLU.

However, BEHAVE modeling was done by the consultant to evaluate the on site fire risk and needed fuel modification. The SH-2 model was used. Vegetation canopy height was assumed to be 5'. The results are:

Fire	Flame Length	Rate of Spread	Spotting downwind
Summer	9.4'	0.33 MPH	0.5 miles
Fall	15.8'	1 MPH	1.2 miles

The spotting distance would be 0.4 miles.

The power lines are approximately 150 to 170' above grade.

Note: models are guidelines only. Actual fire behavior can be more or less intensive.

The modeling shows that airborne burning embers may reach a potentially habitable trailer, which is located off the property, about 0.28 miles to the southwest. This may require that a Fire Engine Crew go to that trailer during a fire to provide protection for it, and extinguish spot fires, during a wind driven fire.

13. FIRE DISTRICT REQUIREMENTS:

ESJ LLC agrees, and fully intends, to work with the Rural Fire Protection District Fire Chief to resolve any of his concerns and any Fire District requirements for equipment, mitigation fees, etc. All final approvals and agreements are to be obtained from the Fire Chief. The Fire District has approved this Fire Protection Plan.

14. SUMMARY/DISCLAIMER

Engineering, Architecture, Landscape Architecture, design and construction are out of the scope of this plan and are the responsibility of others. Applicant may submit requests for review and approval of alternative materials and methods which have the same practical effect and equivalency as the materials and methods required or recommended in this plan.

As Fire is unpredictable and dynamic, this plan cannot guarantee that a fire will not occur or will not cause damage to property or injury or death to humans or animals. There are no guarantees made, expressed or implied, regarding the effectiveness or adequacy of any recommendations or requirements in this plan for all fire situations. However, the Fire Protection concepts proposed in this plan should lessen the impact upon the Fire District.

Any official Fire Protection requirements and approvals will be set forth by the RFPD and the County DPLU Fire Marshal.

James W Hunt, President Hunt Research Corporation
Prepared by _____, President. Date 9-18-09

Alberto Alvarez Agreed to on behalf of ESJ U.S. Transmission LLC by (Signature, Date, and printed name)

Attach: Figure 1-2 Project Area Map
Attach: Site Photos
Attach: Prohibited Plant List

Scale 1:7,550

Map Reference:

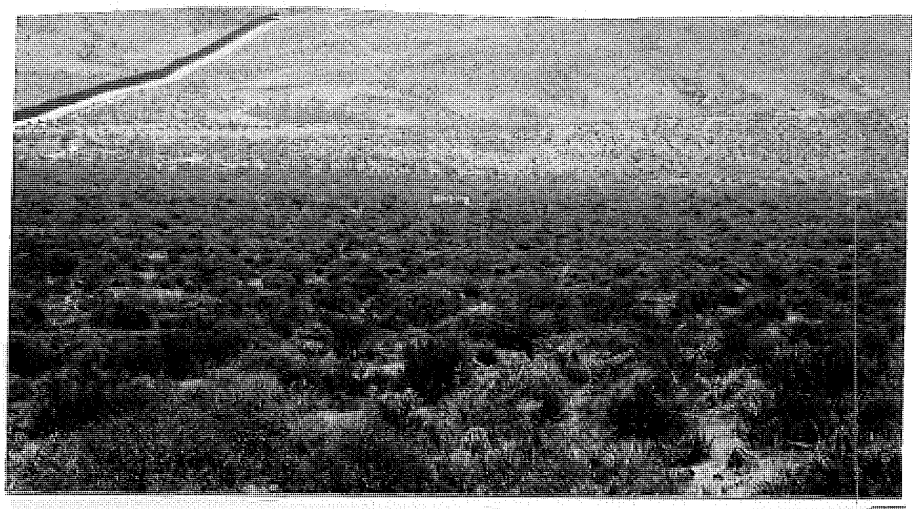
ESJ U.S. Gen-Tie Project

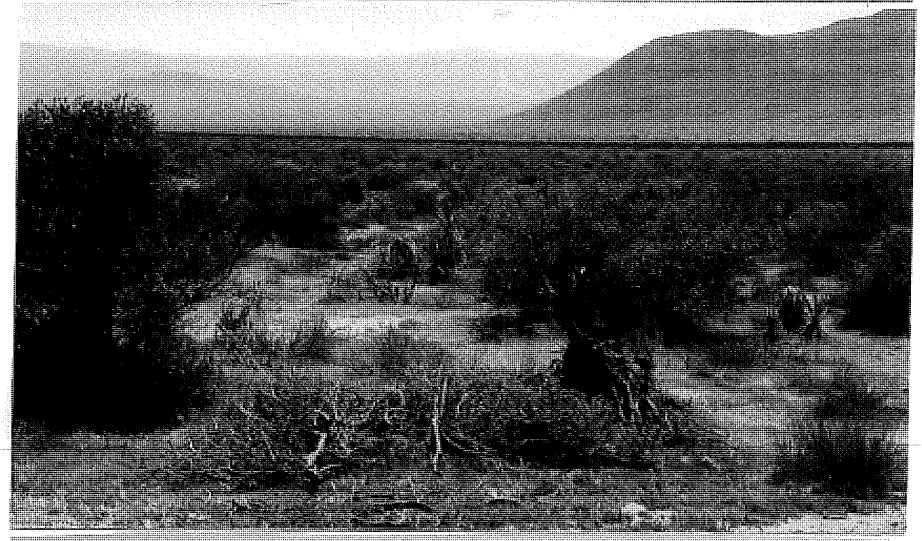
SE San Diego County, California

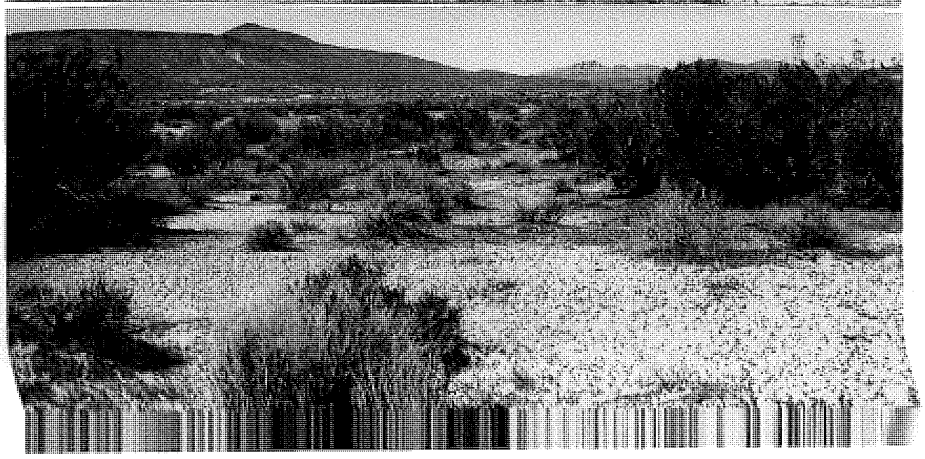
Figure 1-2
PROJECT AREA MAP

Date:	GIS:	Job Number:
[illegible]	[illegible]	[illegible]

Site Photos: (fence in distance is Border. Top photo shows offsite trailer in distance)







Some Examples of Prohibited Plants

Botanical Name	Common Name	Comment*
Trees		
Abies species	Fir	F
Acacia species (numerous)	Acacia	F, I
Agonis juniperina	Juniper Myrtle	F
Araucaria species (A. heterophylla, A. araucana, A. bidwillii)	Araucaria (Norfolk Island Pine, Monkey Puzzle Tree, Bunya Bunya)	F
Callistemon species (C. citrinus, C. rosea, C. viminalis)	Bottlebrush (Lemon, Rose, Weeping)	F
Calocedrus decurrens	Incense Cedar	F
Casuarina cunninghamiana	River She-Oak	F
Cedrus species (C. atlantica, C. deodara)	Cedar (Atlas, Deodar)	F
Chamaecyparis species (numerous)	False Cypress	F
Cinnamomum camphora	Camphor	F
Cryptomeria japonica	Japanese Cryptomeria	F
Cupressocyparis leylandii	Leyland Cypress	F
Cupressus species (C. fobesii, C. glabra, C. sempervirens,)	Cypress (Tecate, Arizona, Italian, others)	F
Eucalyptus species (numerous)	Eucalyptus	F, I
Juniperus species (numerous)	Juniper	F
Larix species (L. decidua, L. occidentalis, L. kaempferi)	Larch (European, Japanese, Western)	F
Leptospermum species (L. laevigatum, L. petersonii)	Tea Tree (Australian, Tea)	F
Lithocarpus densiflorus	Tan Oak	F
Melaleuca species (M. linariifolia, M. nesophila, M. quinquenervia)	Melaleuca (Flaxleaf, Pink, Cajeput Tree)	F, I
Olea europea	Olive	I
Picea (numerous)	Spruce	F
Palm species (numerous)	Palm	F, I
Pinus species (P. brutia, P. canariensis, P. b. eldarica, P. halepensis, P. pinea, P.	Pine (Calabrian, Canary Island, Mondell, Aleppo, Italian Stone, Monterey)	F

List prepared by Dudek and Hunt Research Corporation, and reviewed by Scott Franklin; Scott Franklin Consulting Co.; 12-14-07

Some examples of Prohibited Plants

Botanical Name	Common Name	Comment*
radiata, numerous others)		
Platycladus orientalis	Oriental arborvitae	F
Podocarpus species (P. gracilior, P. macrophyllus, P. latifolius)	Fern Pine (Fern, Yew, Podocarpus)	F
Pseudotsuga menziesii	Douglas Fir	F
Schinus species (S. molle, S. terebenthifolius)	Pepper (California and Brazilian)	F, I
Tamarix species (T. africana, T. aphylla, T. chinensis, T. parviflora)	Tamarix (Tamarisk, Athel Tree, Salt Cedar, Tamarisk)	F, I
Taxodium species (T. ascendens, T. distichum, T. mucronatum)	Cypress (Pond, Bald, Monarch, Montezuma)	F
Taxus species (T. baccata, T. brevifolia, T. cuspidata)	Yew (English, Western, Japanese)	F
Thuja species (T. occidentalis, T. plicata)	Arborvitae/Red Cedar	F
Tsuga species (T. heterophylla, T. mertensiana)	Hemlock (Western, Mountain)	F
Groundcovers, Shrubs & Vines		
Acacia species	Acacia	F, I
Adenostoma fasciculatum	Chamise	F
Adenostoma sparsifolium	Red Shanks	F
Agropyron repens	Quackgrass	F, I
Anthemis cotula	Mayweed	F, I
Arbutus menziesii	Madrone	F
Arctostaphylos species	Manzanita	F
Arundo donax	Giant Reed	F, I
Artemisia species (A. abrotanium, A. absinthium, A. californica, A. caucasica, A. dracunculus, A. tridentata, A. pynocephala)	Sagebrush (Southernwood, Wormwood, California, Silver, True tarragon, Big, Sandhill)	F
Atriplex species (numerous)	Saltbush	F, I
Avena fatua	Wild Oat	F
Baccharis pilularis	Coyote Bush	F
Bambusa species	Bamboo	F, I
Bougainvillea species	Bougainvillea	F, I
Brassica species (B. campestris, B. nigra, B. rapa)	Mustard (Field, Black, Yellow)	F, I

Some examples of Prohibited Plants

Botanical Name	Common Name	Comment*
Bromus rubens	Foxtail, Red brome	F, I
Castanopsis chrysophylla	Giant Chinquapin	F
Cardaria draba	Hoary Cress	I
Carpobrotus species	Ice Plant, Hottentot Fig	I
Cirsium vulgare	Wild Artichoke	F,I
Conyza bonariensis	Horseweed	F
Coprosma pumila	Prostrate Coprosma	F
Cortaderia selloana	Pampas Grass	F, I
Cytisus scoparius	Scotch Broom	F, I
Dodonaea viscosa	Hopseed Bush	F
Eriodictyon californicum	Yerba Santa	F
Eriogonum species (E. fasciculatum)	Buckwheat (California)	F
Fremontodendron species	Flannel Bush	F
Hedera species (H. canariensis, H. helix)	Ivy (Algerian, English)	I
Heterotheca grandiflora	Telegraph Plant	F
Hordeum leporinum	Wild barley	F, I
Juniperus species	Juniper	F
Lactuca serriola	Prickly Lettuce	I
Larix species (numerous)	Larch	F
Larrea tridentata	Creosote bush	F
Lolium multiflorum	Ryegrass	F, I
Lonicera japonica	Japanese Honeysuckle	F
Mahonia species	Mahonia	F
Mimulus aurantiacus	Sticky Monkeyflower	F
Miscanthus species	Eulalie Grass	F
Muhlenbergia species	Deer Grass	F
Nicotiana species (N. bigelovii, N. glauca)	Tobacco (Indian, Tree)	F, I
Pennisetum setaceum	Fountain Grass	F, I
Perovskia atroplicifolia	Russian Sage	F
Phoradendron species	Mistletoe	F
Pickeringia montana	Chaparral Pea	F
Rhus (R. diversiloba, R. laurina, R. lentii)	Sumac (Poison oak, Laurel, Pink Flowering)	F
Ricinus communis	Castor Bean	F, I
Rhus Lentii	Pink Flowering Sumac	F

Some examples of Prohibited Plants

Botanical Name	Common Name	Comment*
Rosmarinus species	Rosemary	F
Salvia species (numerous)	Sage	F, I
Salsola australis	Russian Thistle	F, I
Solanum Xantii	Purple Nightshade (toxic)	I
Silybum marianum	Milk Thistle	F, I
Thuja species	Arborvitae	F
Urtica urens	Burning Nettle	F
Vinca major	Periwnkle	I

*F = flammable, I = Invasive

NOTES:

1. Plants on this list that are considered invasive are a partial list of commonly found plants. There are many other plants considered invasive that should not be planted in a fuel modification zone and they can be found on The California Invasive Plant Council's Website www.cal-ipc.org/ip/inventory/index.php. Other plants not considered invasive at this time may be determined to be invasive after further study.
2. For the purpose of using this list as a guide in selecting plant material, it is stipulated that all plant material will burn under various conditions.
3. The absence of a particular plant, shrub, groundcover, or tree, from this list does not necessarily mean it is fire resistive.
4. All vegetation used in Vegetation Management Zones and elsewhere shall be subject to approval of the Fire Marshal.
5. Landscape architects may submit proposals for use of certain vegetation on a project specific basis. They shall also submit justifications as to the fire resistivity of the proposed vegetation.
6. This list was prepared by Hunt Research Corporation and Dudek and associates and reviewed by, Scott Franklin Consulting co.

July 15, 2009

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Gen-Tie FPP Approval

Dear Planner,

The San Diego Rural Fire Protection District has reviewed the fire protection plan submitted by the Hunt Research Corporation. The plan meets the objectives of the California Fire Code 2007 edition, as well as the Fire Districts requirements for discretionary projects. Please call me directly with any questions that you may have.

Sincerely,

David R. Nissen
Division Chief

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE
FIRE SERVICES SECTION

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

November 25, 2009

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Attn: Patrick Brown, Project Planner

RE: MUP 09-008 – ESJ US GEN-TIE
San Diego Rural Fire Protection District
Revised Fire Protection Plan - incomplete

We have examined the revised Fire Protection Plan (FPP) – Letter Report prepared by Hunt Research Corporation, dated September 10, 2009, for compliance with the County Fire Code, County Building Code and CCR Title 14, "SRA Fire Safe Regulations". The proposed project would consist of a 2 mile long single circuit 500 kV line or a double-circuit 230 kV line supported of three to five 150-foot steel lattice towers or 170-foot steel monopoles in area approximately 4 miles east of Jacumba.

All corrections identified in our letter dated July 8, 2009 have been incorporated into the revised FPP. We again support the consultant's recommendation that no new vegetation be planted for screening purposes that would compromise fuel management.

We have not received documentation of acceptance by the local fire authority – San Diego Rural Fire Protection District – as of this date. We will be in a position to accept it when the local fire authority does.

Paul Dawson, Fire Marshal
San Diego County Fire Authority
Department of Planning and Land Use

c: Dave Nissen, Fire Chief, San Diego Rural Fire Protection District

EDAW | AECOM

EDAW Inc
1420 Kettner Boulevard, Suite 600, San Diego, California 92101
T 619.233.1454 F 619.233.0952 www.edaw.com

May 19, 2009

Ms. Joan Heredia
Sempra Generation
101 Ash Street
San Diego, CA 92101

Dear Ms. Heredia:

Subject: Energia Sierra Juárez (ESJ) U.S. Transmission Gen-Tie Fire Clearing

EDAW AECOM (EDAW) biologists have evaluated the ESJ U.S. Transmission Gen-Tie project area for biological resources and have determined that there are two sensitive habitat types present, Sonoran Mixed Woody Scrub and Peninsular Juniper Woodland and Scrub. In addition, several sensitive wildlife species, such as California horned lark and San Diego black-tailed jackrabbit, have been found or detected on or adjacent to the project site. Impacts to the two sensitive habitat types and associated wildlife would be considered significant by the County of San Diego under the California Environmental Quality Act (CEQA). Mitigation for impacts to the vegetation is recommended at a 1:1 ratio through the preservation of similar on-site habitat.

The primary objectives of CEQA are to disclose to the public and decision makers the potential environmental impacts associated with a proposed project and to require the agency approving the project to avoid or reduce the environmental effects by implementing feasible alternatives or mitigation measures. CEQA requires that every project avoid, reduce, or mitigate significant environmental impacts, including those to biological resources.

CEQA also requires that mitigation be provided for projects that expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Therefore, the goal of avoiding and minimizing impacts to biological resources must be balanced with the need for protection from wildland fires.

The Sonoran Mixed Woody Scrub and Peninsular Juniper Woodland and Scrub grow to a maximum height of approximately six feet and provide ground coverage of approximately 35 percent within the ESJ Gen-Tie right-of-way. Overall the vegetation is open, with unvegetated areas or herbaceous ground cover occurring between shrubs. There are no structures or adjacent urbanized areas in close proximity to the project site and there is a network of dirt roads, including the road along the U.S./Mexico border fence. Vegetation will be cleared for the construction of 3-5 lattice towers or monopoles, an access road, and a 30-foot clear zone around each tower or pole site. Additional clearing of vegetation adjacent to towers, poles, and roads may be required at the discretion of the Fire Marshall.

It is recommended that fire clearing requirements be site-specific so as to prevent the unnecessary clearing of sensitive natural habitats while providing the ability to avoid or rapidly suppress wildland fires in the project area. Mitigation at a 1:1 ratio will be required for all cleared vegetation. Please call me at (619) 233-1454 if you have any questions.

Sincerely,

Michael L. Page

Michael L. Page, AICP
Senior Project Manager
Michael.Page2@aecom.com

Attachment 2 is considered Comment E4-20.

Attachment 2

Abreu, Alberto

From: Tim Murphy [timothy.murphy@cardno.com]
Sent: Friday, March 04, 2011 4:14 PM
To: Abreu, Alberto
Cc: Brad Boyes; Jerry.Pell@hq.doe.gov
Attachments: ESJ EIS Appendix F emissions tables revised 03-04-11.xlsx

Alberto,

As per your request, enclosed are revised air quality emissions estimates for the ESJ Project. The estimates, as detailed in Appendix F of the ESJ Project Draft EIS, are updated to reflect further information provided from Sempra regarding anticipated project construction activities, and to apply the updated (January 2011) EPA method for calculating paved road dust emissions. Revisions to the estimate inputs and results are summarized below.

SUMMARY OF REVISIONS TO ESJ AIR QUALITY EMISSIONS ESTIMATES

The ESJ Draft EIS emissions estimates were cited in the CPUC/BLM's Draft EIR/S for ECO Substation/Tule Wind/ESJ Projects. Project description inputs provided by Sempra in March 2011 resulted in refinement to certain assumptions that were used in the Draft EIS emissions estimate model. The following adjustments were made to the emissions assumptions:

- The Round trip (RT) distance for heavy trucks carrying export soil to a landfill is increased from 50 mile round trip to 90 miles round trip. This is based on a 45 mile trip from the project site to the El Centro landfill.
- The assumed number of peak daily truck trips used for export dirt hauling is reduced from 25 trips to 12 trips, or to 1,080 vehicle miles travelled (VMTs).
- The overall volume of road grading spoils unchanged (requiring an estimated 576 truck trips using high capacity trucks, based on preliminary grading estimates); therefore, the overall schedule for export hauling is increased from 24 days to 48 days (8 weeks, 6 days/week).
- The percent of truck travel miles on unpaved vs paved roads is decreased from 20% to 5% to reflect the relatively short distances that will be travelled on unpaved roads (i.e., the vast majority of travel miles for these vehicle trips will be on paved roads; whereas a very small proportion of each trip will be on the project site itself, which is unpaved, or other unpaved surfaces along the travel route). This is likely conservative because it assumes up to 4.5 miles of off-road travel for each truck trip. Based on the site location and construction plans, the actual off-road could be considerably less than this 4.5 mile distance.
- Soil moisture content is deceased, and resulting dust control efficiency (i.e., the effectiveness of watering) is decreased from 95% to 90% which is more conservatively representative of the onsite soils.

A further refinement was made to the emissions estimates by applying the new EPA method for calculating paved road dust emissions (EPA January 2011, AP-42 Chapter 13.2.1). Other parameters used in the emissions estimates are unchanged at this time.

The resulting peak daily PM10 emissions (the sum of Combustion Particulate PM10 and Fugitive Dust PM10) are reduced from 286 lb. to 88 lb. This reduction is largely due to the reduction in off-road miles travelled by heavy trucks hauling excess soil from the site to a landfill during a peak day.

It is important to note that the peak daily emissions estimates assume a worst-case scenario where that the road construction and soil hauling activity will be concurrent with other onsite transmission line construction activities. Phasing of activities will further reduce the peak daily emissions and allow for an increase in vehicle trips per day.

Call if you have any questions or need additional information.

Regards,
Tim

Timothy J. Murphy, AICP
Senior Consultant / Environmental Management
Cardno ENTRIX

201 North Calle Cesar Chavez, Suite 203, Santa Barbara, CA 93103
Phone: 805 962 7679 **Direct:** 805 963 0480 **Mobile:** 805 895 5420 **Fax:** 805 963 0412
timothy.murphy@cardno.com www.cardnoentrix.com www.cardno.com

Attachment 3 is considered Comment E4-21.

Attachment 3