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November 6, 2009

Mr. Patrick Brown
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CASE NUMBERS(s): MUP 09-008; PROJECT NAME: ESJ U.S. Generator-Tie Line Project; PROJECT ADDRESS: Old Highway 80, Jacumba, Mountain Empire Community Planning Area: APN 661-090-(04, 05, 06) 661-080-(08, 10), 661-050-04, 661-041-(02, 03, 04, 05); KIVA PROJECT:09-0107420. MUP Application re-submittal and Project Issue Checklist Response

Dear Mr. Brown:

EDAW AECOM hereby submits the additional information and revised documents for the Major Use Permit (MUP) on behalf of Energia Sierra Juarez, U.S. Transmission, LLC (ESJ U.S.) for the ESJ U.S. Generator-Tie Line Project (ESJ Gen-Tie). This additional information was requested by the County of San Diego in a letter dated July 15, 2009. Subsequent to receipt of the letter, there have been a few clarifying discussions with County staff.

Based on these discussions it is understood that the County will waive the following requirements:

- Submittal of a "Redlined" Replacement Plot Plan Highlighting all changes. Only clean copies of the plot plan are being submitted. Changes to the clean plot plan include requested format changes by the County and inclusion of a wider access road and greater clearing along the right-of-way due to the Fire Protection Plan recommendations.
- Submittal of a Conceptual Revegetation Plan. This plan is only required if the project will result in the construction of slopes greater than 3 feet in height, such as 3 foot berms. ESJ U.S. does not propose to construct slopes greater than 3 feet in height; therefore, a Revegetation Plan is not required.
- Submittal of a Drainage Flooding Plan. Attachment A.1, Item 15 of the July 15, 2009 letter indicated the Drainage study prepared by Burns & McDonnell is adequate for CEQA purposes; therefore, no further information on drainage is required.

A brief summary of the additional information and revised documents that have been prepared in response to the July 15, 2009 letter are provided below:

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1. **Community Planning Group:** The County comment letter indicates that comments from the Jacumba Sponsor Group have not been received as of July 15, 2009. On September 22, 2009 the Jacumba Sponsor Group voted 5-0 in favor of the project. It is understood that the Sponsor Group chairperson sent an e-mail to San Diego County on September 23, 2009 with this information.
2. **Planning Issues:** Item 2 provides planning issue comments. EDAW AECOM and ESJ U.S. have responded to all of these comments and applicable documents and revised forms are included in the submittal as Exhibit 1. Specific responses to these comments are summarized below.

a) The Discretionary Project Application Form has been revised to list the following parcels:

Project Parcels (ESJ U.S.): 661-090-(04, 05, 06), 661-080-10

ECO Substation Parcels (Port Everglades): 661-050-04, 661-041-04, 661-041-05

Access Parcels (legal access to ESJ U.S. parcels): 661-041-02, 661-041-03, 661-080-08

b) A title report, including Schedule B for the project parcels that have been recently purchased by ESJ U.S., has been prepared and the Alta Survey maps are also attached in Exhibit 2. ESJ U.S. does not have a Title with the Schedule "B" Attachments for the substation parcels. As previously stated, it is anticipated the SDG&E will acquire these parcels.

c) SDG&E has submitted a Preliminary Environmental Assessment to the California Public Utility Commission (CPUC) for the East County (ECO) substation (Project A 09.08.003). The ECO substation parcel locations are provided in item 2.a, above.

d) The following forms have been revised to show the project number as MUP 09-008 and/or have been updated to include the revised list of parcel numbers:

- Discretionary Project Application
- Preliminary Floodplain Evaluation
- Evidence of Legal Parcel
- Public Notice Certification
- Supplemental Public Notice Certification
- Instruction For Vicinity Map and Project Summary Preparation
- Notice To Applicants
- Hazardous Waste and/or Substance Site Verification Form

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- Application, Deposit, Acknowledgment, and Agreement
- Project Facility Availability Form (Fire)

e) This comment is a repeat of comment d) above. No additional responses are required.

f) A CPUC PEA Checklist for Transmission Line Projects focusing on Chapter (5) which emphasizes the Environmental Assessment Summary has been prepared. This checklist is included in Exhibit 3 and has been provided as a separately bound document to facilitate distribution to the CPUC. Please note that a revised project description is included in the PEA Checklist information. The revised project description updates the disturbed acreage based on the Fire Protection Plan recommendations.

- 3. Visual Resources Report:** ICF Jones & Stokes has prepared a Visual Resources Report per the County's Report Format and Content Requirements for Visual Resources and this report is included in this submittal as Exhibit 4. The Visual Resources Report evaluates potentially adverse visual impacts according to the County's Guidelines for Determining Significance for Visual Resources. The Visual Resources Report also provides additional pictures of the existing conditions versus the proposed project and simulations of private view locations consistent with the CPUC PEA Environmental Assessment Summary.
- 4. Groundwater Resources:** ESJ U.S. is continuing to explore options for the approximately 780,000 gallons of water needed for construction. It is understood that the Jacumba Community Service District may have brackish water that could be used that would not impact Jacumba potable water supplies. ESJ U.S. needs to further investigate the quality of this water and potential use for dust suppression during construction. A second alternative may be to truck the water from the County Water Authority (CWA) at Alpine (Padre Dam Municipal District) or other nearby CWA source. The third option is to drill a water well onsite, if required by the County of San Diego.
- 5. Requirement For FAA Notice:** ESJ U.S. has submitted a request to the FAA for a Determination of No Hazard to Air Navigation for the potential monopole height of 170 feet and a response is pending from the FAA. ESJ U.S. previously received a Determination of No Hazard to Air Navigation for 150 foot towers. Note pole locations are based on preliminary design information and once the design is finalized, ESJ U.S. will need to submit final design information to the FAA.

- 6. Air Quality Information:** ESJ U.S. has prepared additional information pertaining to air quality per the County comment letter and this information is included in the submittal as Exhibit 5. Specific responses to these comments are summarized below.
- a) Exhibit 5 provides a more detailed description of the proposed project's operations and describes potential sources of air pollution, including estimated lengths of time for grading and equipment used for grading and construction of the proposed project.
 - b) Exhibit 5 contains calculations for fugitive dust based on the proposed grading, road work and foundation work. Detailed emissions calculations have been provided.
 - c) Comment c) states that a formal air quality study is not required at this time, but that a formal air quality study may be requested if it is determined that the proposed project may have a potentially significant impact on the environment. No action is required at this time.
 - d) Exhibit 5 provides information pertaining to potential Greenhouse Gas Emissions consistent with the CPUC PEA Environmental Assessment Summary.
- 7. Plot Plan Revisions:** Burns & McDonnell has revised the plot plan per the County comment letter and the revised plot plan is included in the submittal as Exhibit 6. Specific responses to these comments are summarized below.
- a) The revised plot plan includes a summary cover sheet and four detailed sheets for each alternative. These detailed sheets contain more specific information, such as elevations and diagrams of the footing area for each tower, including the tower next to the U.S./Mexico Border.
 - b) The proposed location for fire clearing is shown on the grading plans.
 - c) The grading plans shows all temporary and permanent project features, including stringing areas, temporary pads, storage yards, and equipment lay down areas.
 - d) The revised plot plan indicates and labels the permanent rights-of-way.
 - e) The revised plot plan provides a larger scale blow up of the location of the tower next to the US/Mexico Border.
 - f) The revised plot plan is shown completely in black and white.

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g) The revised plot plan shows the proposed access road consistent with the requirements stipulated in comment g).

h) The revised plot plan includes match lines referencing adjacent sheets.

8. Preliminary Grading Plan Revisions: ESJ U.S. has revised the preliminary grading plan per the County comment letter and the revised grading plan is included in the submittal as Exhibit 7. Specific responses to these comments are summarized below.

a) The revised grading plan contains a grading estimate of the cut, fill, and total excavation.

b) The paleontological note has been removed from the first page of the revised grading plan.

c) The revised grading plan is shown completely in black and white.

d) Sheet C1 of the revised grading plan shows a vicinity sketch showing the site location, lists all APNs that are a part of the proposed project, and includes an overall layout showing the entire parcels with property lines of the site on which the work would be performed.

e) Sheet C2 of the revised grading plan shows estimates of the amount of excavation, fill, import, and export, including for the proposed project access road, dirt road, and pads for the lattice towers. A table showing these amounts is provided for each alternative.

f) Match lines for adjacent sheets, a small Sheet Index map, and known easements greater than 20' in width, have been added to Sheets C2 thru C8.

9. Community Character Analysis: EDAW AECOM has revised the Community Character Analysis per the County comment letter and the revised community character analysis is included in the submittal as Exhibit 8. The revised document includes the following revisions:

a) The word "Federally" has been added on page 8.

b) The noise discussion on pages 8 and 9 has been updated based on the revised Noise Analysis Letter Report.

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- c) The sentence beginning “Any future similar requests would also require County Approval of a MUP” and following paragraph have been removed from the document on page 10.
 - d) The paragraph referencing the Sunrise Powerlink has been removed from page 12.
- 10. Landscape Comments:** Based on discussions with County staff (Patrick Brown, October 27, 2009), it is understood a Landscape Plan is not required, provided the requested information is contained in either the Grading Plan or Plot Plan. Further, a Revegetation Plan is not required, provided no slopes in excess of three feet in height are constructed. Specific responses to these comments are summarized below.
- a) Erosion and Sediment Control features are shown on the Grading Plan.
 - b) The location of maintenance roads, construction staging areas, and temporary parking for workers is shown on the Grading Plan. No irrigation water is required for the revegetation of native species.
 - c) There are no proposed slopes equal to or in excess of 3 feet in vertical height.
- 11. Fire Protection Plan (Letter Report):** The County comment letter states that the Fire Protection Plan must be reviewed by the local fire protection district prior to submittal. Hunt Research Corporation has revised the Fire Protection Plan per the review of the Rural Fire Protection District and County comment Letter. The revised Fire Protection Plan is included in the submittal as Exhibit 9. ESJ U.S. is currently working with the San Diego Rural Fire Protection District Chief on a Developers Fee Agreement which is being required by the Fire District prior to signing the SF-399 form.
- a) The station number of the Jacumba station has been changed to “43”.
 - b) The width of the access road has been changed to 28’ total with a 24’ decomposed granite base. The statement regarding Section 503 of the County Fire Code has been removed.
 - c) References to County Policy FP-2 and the International WUI Code have been removed.

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d) This comment states that the Department agrees with the recommendation that no new vegetation should be planted in the ROW. No action is required. Note ESJ U.S. did revised the project description to reflect this fire requirement.

e) The revised Fire Protection Plan describes the proposed access road consistent with the requirements stipulated in comment e).

12. Noise Analysis Letter Report: Burns & McDonnell has revised the Noise Analysis Letter Report per the County comment letter and the revised Noise Analysis Letter Report is included in the submittal as Exhibit 10. Specific responses to these comments are summarized below.

a) The revised Noise Analysis Letter Report includes a discussion of the County noise standards and how they apply to the proposed project.

b) The revised Noise Analysis Letter Report includes a noise analysis evaluating noise levels generated by the proposed transmission lines to determine whether the proposed project complies with the daytime limit of 55 dBA and nighttime limit of 45 dBA.

c) A figure showing the location of the proposed transmission lines in relation to the project property lines has been added to the document. This figure also identifies all noise source locations.

d) A new table showing the Line Configurations, Conductor Configuration, sound level at the nearest property line, and property reference has been added to the document. This table includes a numbering scheme of the locations of the noise receptors, and the locations of the receptor points have been added to the figure described above.

13. Cultural Resources: EDAW AECOM has revised the Cultural Resources Report and developed a Testing Plan per the County comment letter. The Testing Plan and the Cultural Resource Reports (confidential and non-confidential) are provided in Exhibit 11. Specific responses to the County comments are summarized below.

a) through c) These comments summarize the findings of the Cultural Resources Report. No action is required.

d) The County comment letter requests multiple revisions in comment d). The following revisions have been made per the direction in comment d).

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1. The permit number has been changed to "MUP 09-008, Log No. 09-22-001" on the title page and National Archaeological Database (NADB) page.
2. The County Approved archeologist has signed the title page.
3. Ceramics and ceramic scatter have been added to the key word list on the NADB page.
4. Trinomial numbers have been added to the key words list on the NADB page.
5. Trinomial numbers have replaced the temporary numbers throughout the document.
6. The spacing for the sub-header Archaic has been fixed on page 13.
7. The survey methods section has been revised per comment 7.
8. The survey results section has been revised per comment 8.
9. The UTM information has been removed from Table 5.
10. The format of the callout for Figure 4 has been revised.
11. Section 4.1 has been revised per comment 11.
12. Section 5.2 No Significant Adverse Effects has been added to the document per comment 12.
13. The Management/Executive Summary section has been revised per direction from the County.
14. All record search documents have been included in the Confidential Appendices.
15. All site forms, including those from the previous survey, have been submitted.

Archeological Significance Testing

a) through d). These comments provide guidance on preparation of a testing plan and the necessary steps for implementing a testing plan. The testing plan is included in Exhibit 11.

- 14. Biological Resources:** EDAW AECOM has revised the Biological Resources Report per the County comment letter and the revised Biological Resources Report is included in Exhibit 12. Specific responses to these comments are summarized below.

a) This comment states that the Biological Resources Report should remove the route that is not selected from the report after a route has been selected. No action is required at this time.

b) The species listed in comment b) have been added to the report.

c) Impacts to biological resources associated with fire clearing have been incorporated into the document.

d) No revegetation is proposed within the right-of-way as specified in the Fire Protection Plan. The construction design will not include slopes in excess of 3 feet, therefore it is understood a revegetation plan is not required. Along the 28-foot wide property access road, it may be necessary to disturb up to the limits of the 40-foot easement. Native seed mix will be used for erosion control, if there is disturbance beyond 28 feet within the 40 foot easement.

e) The Biological Resources Report has been updated to include the potential for off-site mitigation. However, the proposed mitigation is a conservation easement along the eastern portion of the ESJ property which will allow continuity with the adjacent BLM Wilderness Area. Because the project's Fire Protection Plan does not allow restoration or planting in the right-of-way, all ground disturbance in the right-of-way is considered permanent and will require compensatory habitat at the ratios required by the County.

f) There is no comment f) called out in the County comment letter. No action is required.

g) The project number and signature have been added to the cover page.

15. CEQA Hydrology Study: The County Comment letter indicates that they have reviewed the Drainage Study prepared by Burns & McDonnell and found it to be substantially complete and adequate for CEQA purposes. No action is required.

16. Stormwater Management Plan: Burns & McDonnell has revised the Stormwater Management Plan per the County comment letter and the revised Stormwater Management Plan is included in the submittal as Exhibit 13. Specific responses to these comments are summarized below.

a) The revised Stormwater Management Plan (SWMP) states that there are not any High Risk Areas within the project limits and that there are no special Regional Board requirements.

b) The Certification Sheet has been signed and dated by a registered engineer.

c) The permit number and applicant's address have been added to SWMP Sheet 1.

d) Carrizo Creek has been added to the Surface Waters table, Inland Surface Waters, on SWMP Sheet 6. The following items have been checked in the table: AGR, GWR, REC I, REC II, WARM, WILD, and RARE.

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e) Anza-Borrego Hydrologic Unit and hydrologic unit base number 722.00 have been added to the Surface Waters table, Ground Waters, on SWMP Sheet 6. The following items have been checked in the table as a beneficial use: MUN, AGR, and IND.

17. **Preliminary Conditions From DPW:** Item 17 provides comments from the County of San Diego Department of Public Works on requirements that must be met for the proposed project. ESJ U.S. will obtain the permits and approvals listed in the comments and incorporate other comments into the design of the proposed project. No other action is required at this time.
18. **Sight Distance Study:** Dokken Engineering has prepared a Sight Distance Study for the property legal access road per the requirements described in the County comment letter. The Sight Distance Study is included in this submittal as Exhibit 14. The legal property access road does not meet the County standards. Therefore, Dokken Engineering has also prepared a Request for Modification to a Road Standard that is included in Exhibit 14.

ESJ U.S. and EDAW AECOM look forward to continuing working with the DPLU on this project. If you have any questions or concerns please contact Ms. Joan Heredia, Sempra Global (on behalf of ESJ U.S.) at (619) 696-1824 or Michael Page, EDAW AECOM at (619) 233-1454. Thank you for your assistance on this project.

Sincerely,

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List of Exhibits

Exhibit 1 - Revised County Forms

Exhibit 2 – Title Report/Alta Survey Maps

Exhibit 3 – CPUC Checklist, Focusing on Chapter 5

Exhibit 4- Visual Resources Report

Exhibit 5 – Air Quality Information

Exhibit 6 – Revised Plot Plan

Exhibit 7 – Revised Preliminary Grading Plan

Exhibit 8 – Revised Community Character Analysis

Exhibit 9 – Revised Fire Protection Plan

Exhibit 10 – Revised Noise Analysis Letter Report

Exhibit 11 – Revised Cultural Resources Reports (Confidential and Non-confidential Appendices and Testing Plan)

Exhibit 12 – Revised Biological Resources Report

Exhibit 13 – Revised Stormwater Management Plan

Exhibit 14 – Sight Distance Study and Request for Modification to County Road Standard