

# **APPENDIX G**

*Comments Received During Scoping Period*

## List of Comments Received During Public Scoping Period

Commenter	Date
<b>Federal, State, and Local Agencies and Organizations</b>	
San Diego County Archaeological Society, Inc. (James W. Royle, Jr.)	January 7, 2010
International Boundary and Water Commission United States and Mexico (USIBWC, Carlos Pena)	January 7, 2010
California Department of Transportation, District 11 (Jacob M. Armstrong)	January 12, 2010
Sierra Club, San Diego/Imperial Valley Chapter (Edie Hamon) with attachment from Joseph A. Zechman dated January 15, 2009	January 28, 2010
San Diego Renewable Energy Society (Richard Caputo)	January 29, 2010
San Diego Audubon Society (James A. Peugh)	January 29, 2010
JAM Investments, Inc. (Brett S. Jolley)	February 3, 2010
Congress of the U.S. House of Representatives (Congressman Bob Filner)	February 4, 2010
California Department of Parks and Recreation (Ronilee A. Clark)	February 10, 2010
California Department of Fish and Game, South Coast Region (Edmund Pert)	February 10, 2010
Energia Sierra Juarez U.S. Transmission, LLC (Joan A. Heredia)	February 10, 2010
Powers Engineering (Bill Powers)	February 10, 2010
Rasayana (William Vandivere)	February 10, 2010
Congress of the U.S. House of Representatives (Congressman Duncan Hunter)	February 11, 2010
County of San Diego, Department of Planning and Land Use (Eric Gibson)	February 12, 2010
Iberdrola Renewables, Inc. (Jeffrey Durocher)	February 12, 2010
San Diego County Board of Supervisors (Diane Jacobs)	February 14, 2010
Backcountry Against Dumps (Donna Tisdale)	February 15, 2010
Law Offices of Stephan C. Volker (On behalf of Backcountry Against Dumps, The Protect Our Communities Foundation, East County Community Coalition, and Donna Tisdale)	February 15, 2010
ORBA (Off-Road Business Associations, Inc.; Meg Grossglass)	February 15, 2010
Protect Our Communities (Denis Trafecanty)	February 15, 2010
Rural Economic Action League (Larry Johnson)	February 15, 2010
Mountain Health and Community Services, Inc. (Judith Shaplin)	February 17, 2010
Sierra Club San Diego Chapter	No Date
<b>Individuals</b>	
Gary C. Hoyt	January 23, 2010
Anonymous	January 27, 2010

### List of Comments Received During Public Scoping Period (Continued)

Commenter	Date
Linda (no last name)	January 27, 2010
Derik Martin	January 27, 2010
Desi Vela	January 27, 2010
Richard Caputo	January 28, 2010
Ronald and Elizabeth Dahlgren	January 28, 2010
Peter H. St. Clair	January 30, 2010
Suzanne Bennett	February 1, 2010
John Gibson	February 4, 2010
Adam Rubio	February 5, 2010
Randy Lenac	February 6, 2010
Elizabeth Higgins	February 7, 2010
James Freeburn	February 10, 2010
Ken Daubach	February 11, 2010
Margaret Stahlheber	February 11, 2010
Dennis and Connie Berglund, Irene Timpa	February 12, 2010
Hali Carlson	February 12, 2010
Brit Coupens	February 12, 2010
Sherie Hubble	February 12, 2010
Mike Troy	February 12, 2010
Luke Gordon	February 15, 2010
Chris Lawrick	February 14, 2010
The Mighty Q	February 14, 2010
Billie Jo Jannen	February 15, 2010
Michael and Sunny Jones	February 15, 2010
Cheryl Lenz	February 15, 2010
Chris and Christina Noland	February 15, 2010
Mark Ostrander	February 15, 2010
Donna Tisdale	February 15, 2010
Ken Venable	February 15, 2010
Donna Tisdale	February 16, 2010
Donna Tisdale	February 17, 2010
Donna Tisdale	February 18, 2010
Laurie Baker	None
Tribal	
Campo Band of Mission Indians (Monique La Chappa)	February 15, 2010

**List of Comments Received During Public Scoping Period (Continued)**

Commenter	Date
Late	
Donna Tisdale	February 20, 2010
Donna Tisdale	February 23, 2010
Donna Tisdale	February 25, 2010
Donna Tisdale	February 25, 2010
Donna Tisdale	March 2, 2010
Donna Tisdale	March 5, 2010
Donna Tisdale	March 7, 2010



# **Comments Received from State, Local, and Federal Agencies**

## **Part 1**



# San Diego County Archaeological Society, Inc.

Environmental Review Committee

7 January 2010

To: Mr. Iain Fisher  
California Public Utilities Commission  
c/o Dudek  
605 Third Street  
Encinitas, California 92024

Subject: Notice of Preparation of a Draft Environmental Impact Report/Draft  
Environmental Impact Statement  
SDG&E East County Substation Project

Dear Mr. Fisher:

Thank you for the Notice of Preparation for the subject project, received by this Society last week.

We are pleased to note the inclusion of cultural resources in the list of subject areas to be addressed in the DEIR/DEIS, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR/DEIS, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the County's environmental review process for this project.

Sincerely,

A handwritten signature in black ink, which appears to read "James W. Royle, Jr.".

James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: SDCAS President  
File



OFFICE OF THE COMMISSIONER  
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO

January 7, 2010

Iain Fisher  
California Public Utilities Commission c/o Dudek  
605 Third Street  
Encinitas, California 92024

Re: Proposed East County Substation Project

Dear Mr. Fisher:

The International Boundary and Water Commission, United States Section (USIBWC) appreciates the opportunity to review the subject Project. The USIBWC understands the proposed project will involve construction of an electric utility substation on 58 acres east of Jacumba, California.

The proposed project will not require construction affecting any property or interests of the USIBWC. Given that the project is near the border of the United States and Mexico, the USIBWC would like to be included in the review process and provided with a copy of the draft Environmental Impact Statement.

Please send a copy of the draft EA to the USIBWC to my attention. Should you or your staff have questions, please contact me at (915) 832-4740 or Mr. Wayne Belzer at (915) 832-4703.

Sincerely,

Carlos Peña, Jr., P.E.  
Division Engineer  
Environmental Management Division

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11

4050 Taylor Street, M.S. 240

SAN DIEGO, CA 92110

PHONE (619) 688-6960

FAX (619) 688-4299

TTY (619) 688-6670

*Flex your power!  
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January 12, 2010

RECEIVED  
BUREAU OF LAND MGMT.  
10 JAN 19 PM 1:38  
CALIFORNIA DISTRICT  
MORENO VALLEY, CA

11-SD-8  
PM 66.16  
Tule Wind Project  
NOI/EIS

Mr. Greg Thomsen  
BLM California Desert District Office  
22835 Calle San Juan de Los Lagos  
Moreno Valley, California 92553-9046

Dear Mr. Thomsen:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Tule Wind Project Notice of Intent (NOI) for the Environmental Impact Statement (EIS) near Interstate 8 (I-8) and Ribbonwood Road/McCain Valley Road. Caltrans has the following comments:

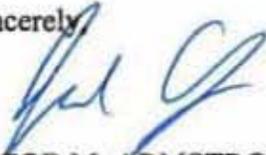
- All Caltrans standards for utility encroachments shall be met.
- Clearances of overhead crossings shall conform to regulations of the California PUC. The number of crossings shall be minimized.
- New installations under an existing roadbed shall be made by the boring and jacking method. Trenching under the traveled way will not be allowed.
- For freeways and expressways, the placement of longitudinal encroachments is prohibited within controlled access rights-of-way.
- Utilities shall not be located in median areas.
- Transverse crossings should be normal (90 degrees) to the highway alignment where practical. If impractical, skews of up to 30 degrees from normal may be allowed.
- Supports for overhead lines crossing freeways shall be located outside the controlled access right-of-way and not on cut or fill slopes and shall not impair sight distances. All installations shall be placed as close to the right-of-way line as possible. Above-ground utilities shall be outside of the clear recovery zone (20 feet from edge-of-travelway for conventional highways and 30 feet for freeways and expressways). Allowance should be made for future widening of the highways if planned.
- Traffic control will be required for utility crossings. Please refer to Caltrans Encroachment Permit Manual.

Mr. Greg Thomsen  
January 12, 2010  
Page 2

Any work performed in Caltrans right-of-way will require review and approval by the Department. Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed.

If you have any questions on the comments Caltrans has provided, please contact Eric Bassell of the Development Review Branch at (619) 688-6075.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jacob M. Armstrong', is written over the word 'Sincerely,'.

JACOB M. ARMSTRONG, Chief  
Development Review Branch

**DATE: 1-28-10**

**TO: CPUC project manager: Iain Fisher & BLM project manager: Jeffrey Childers and/or Tom Zale VIA Project e-mail: [ecosub@dudek.com](mailto:ecosub@dudek.com) and hard copy distributed at Boulevard's January 28th hearing.**

**FROM: Edie Harmon for San Diego / Imperial Valley Sierra Club**

**RE: SCOPING COMMENTS FOR ECO SUBSTATION, TULE WIND & ENERGIA SIERRA JUAREZ (application A.09-08-003)**

My name is Edie Harmon, I reside in Ocotillo, and I have been assigned by the Executive Committee to represent the San Diego/ Imperial Valley Sierra Club at the scoping hearing for the proposed ECO Substation, Tule Wind and Energia Sierra Juarez projects. These projects are not needed. Better alternatives are available including distributed retail and wholesale photo voltaic generation on existing buildings, parking structures and already disturbed lands near the point of use, such as Southern California Edison's recently approved 500 MW rooftop solar project.

**ECO Substation:** The San Diego/Imperial Valley Chapter has voted to oppose SDG&E's proposed ECO Substation. The project is connected to and reliant on the Sunrise Powerlink which our chapter vigorously opposes due to the significant and cumulative impacts to a variety of resources from multiple unnecessary industrial projects. The Sierra Club's opposition to the Sunrise Powerlink is a matter of record.

**Tule Wind:** The San Diego/Imperial Valley Chapter has voted to oppose industrial wind energy in the McCain Valley National Cooperative Land and Wildlife Conservation Area and Airport Mesa area in their attached 2005 Wind Energy Site Resolution for the following reasons:

- Impacts to designated critical habitat for the endangered Peninsular bighorn
- Impacts to the designated Southeast San Diego Recovery Unit for the endangered Quino checkerspot butterfly
- Impacts to other suitable habitat for the endangered Quino checkerspot butterfly
- Impacts to bird and bat populations
- Fragmentation of large natural habitat landscape
- Impact to scenic views and wilderness experience in two adjacent wilderness areas
- Impact to significant concentration of Native American cultural sites
- Conversion of outstanding rural scenic values to industrial use
- Impact to experience of quiet and remoteness from the urban environment
- Conflicts with use by rock climbers, hikers, campers, hunters, and off-roaders

**The Chapter opposes wind energy in the Jacumba Airport Mesa area for the following reasons:**

- Impacts to the designated Southeast San Diego Recovery Unit for the endangered Quino checkerspot butterfly

- Impacts to Golden eagles using nearby nesting sites
- Impacts to bird and bat populations
- Impacts to Native American cultural sites
- Impacts to scenic views in the adjacent designated Table Mountain Area of Critical Environmental Concern
- Fragmentation of habitat

**Energia Sierra Juarez:** This project is also reliant on the Sunrise Powerlink which we strongly oppose. Our Chapter voted to oppose Sempra's proposed Energia Sierra Juarez project for reasons similar to those noted above. The Chapter's Energia Sierra Juarez scoping comments submitted to the Department of Energy earlier this month are attached for reference.

**Please add my name and contact information to the serve list for this project:**

Eddie Harmon

desertharmon@gmail.com

619-729-7178

PO Box 444

Ocotillo, CA 92259

**Thank you for your consideration of these comments.**



## San Diego Chapter

January 15, 2010

Dr Jerry Pell  
Office of Electricity Delivery and Energy Reliability (OE-20)  
US Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585  
[Jerry.Pell@hq.doe.gov](mailto:Jerry.Pell@hq.doe.gov)

RE: Scoping comments on Energia Sierra Juarez Transmission Line EIS (DOE/EIS-0414)

Dear Dr. Pell,

Please address the following issues in the environmental review and analysis of the Energia Sierra Juarez Transmission Line (ESJ):

1. The ESJ project is considered an indirect action (out of state) related to the Sunrise Powerlink transmission line. The understatement of the significant and cumulative impacts of ESJ proposed cross-border wind/transmission project was the basis for the recirculated Draft EIR/EIS for the Sunrise Powerlink.
2. Sempra Energy's extensive multi-billion dollar LNG infrastructure in Baja can use the Sunrise Powerlink and ESJ cross-border connections to move existing and future fossil fuel energy produced in Mexico from imported LNG. LNG has a significantly higher GHG footprint than domestic natural gas, as much as 25%, due primarily to the energy needed for liquefaction and transport.
3. The proposed Sunrise Powerlink decision (October 31, 2008) by the CPUC's Assigned Administrative Law Judge(s) concluded that the Sunrise Powerlink was not needed to meet SDG&E's renewable portfolio standard (RPS) obligation of 20 % by 2010; that assuming a 20 % RPS, the line was not justified economically and would potentially generate significant ratepayer costs; that the line would have many significant and immitigable impacts on the environment; and other alternatives to the line would meet SDG&E's eventual reliability needs more economically and with fewer significant and immitigable impacts on the environment.
4. Sempra has stated they will not build ESJ if the Sunrise Powerlink does not get built. Sempra's ESJ project page (<http://www.semprageneration.com/esj.htm>) states that CALISO has indicated

**8304 Clairemont Mesa Blvd., Ste 101 • San Diego, CA. 92111**  
**TEL: 858-569-6005 • FAX: 858-569-0968**  
<http://sandiego.sierraclub.org>

that the Sunrise Powerlink or other new transmission is needed to deliver new energy above 80 MW.

5. Sempra relates ESJ to the Sunrise Powerlink, and the Sunrise Powerlink is currently the subject of several legal challenges at the state and federal level, including alleged violations of NEPA, CEQA, ESA, FLPMA, NHPA, APA, etc.

6. The County of San Diego has asked the CPUC to supplement the Sunrise Powerlink EIR/EIS or to amend the Sunrise Powerlink Certificate of Public Convenience and Necessity to ensure that impacts from groundwater extraction and grading for access roads and fly yards, not previously analyzed due to post decision finalization of route specifics, are properly analyzed and managed. Letter to CPUC from County DPLU Director (October 7, 2009).

7. ESJ is also reliant on SDG&E's proposed ECO Substation, which is considered a connected action to the Sunrise Powerlink. The proposed ECO Substation is also the subject of protest by community groups and others.

8. The fragile cross-border area, impacted by ESJ, the Sunrise Powerlink, the ECO Substation and Tule Wind projects, has already been scientifically identified by the Las Californias Binational Conservation Initiative as significant and globally rare Mediterranean Mosaic with critical wildlife corridors / linkages that are the subject of ongoing conservation efforts.

9. The significant and cumulative impacts from these multiple projects in the area will impact Designated Critical Habitat and occupied lands for Peninsular Bighorn Sheep, Quino Checkerspot Butterfly, and Arroyo Toad.

10. Other impacted species include but are not limited to the California Condor and Golden Eagles. Industrial wind turbines stand an average 500 feet tall with blades that spin at approximately 200 mph. Introducing turbines into their foraging and nesting areas could result in increased mortality to these protected birds.

11. Due to the significant and cumulative impacts from the introduction of multiple large scale industrial facilities, including visual resource impacts to Anza Borrego State Park and multiple Wilderness Areas and Wilderness Study Area's, the CPUC and BLM have determined that a joint EIR/EIS review will be needed for Sempra's 1,250 MW ESJ project, the ECO Substation in Jacumba and Boulevard, and the proposed 200 MW Tule Wind project proposed for Boulevard's McCain Valley.

12. According to CPUC staff, a proposed 160 MW wind energy project to be built on tribal land, a joint effort of SDG&E, Invenergy and the Campo Kumeyaay Nation, may be included in the aforementioned joint NEPA/CEQA review if enough information is forthcoming in a timely manner. This project is also tied to the Sunrise Powerlink and ECO Substation and will require more 138 kV transmission lines through the same impacted human and natural communities.

13. The Sunrise Powerlink FEIR/EIS and documents for the other related energy projects repeatedly state that the increased threat of wildfire in a high fire danger zone is Class I

and immitigable. Industrial wind turbines, new power lines, substations and transformers all represent the introduction of new ignition sources. Malfunctioning energy infrastructure was partially to blame for the devastating 2007 firestorm in San Diego County.

14. Increased threat of wildfire and other significant and cumulative project impacts put at risk the currently intact cross-border habitat and wildlife corridors that are targeted for conservation based on their high value.

15. These multiple projects also represent significant and cumulative impacts to biological resources and water quality and quantity with respect to both surface and groundwater resources in an area that is wholly dependent on groundwater with no access to any alternative sources of water in the event of catastrophic events.

16. ESJ is a controversial export-only project, which is now one of the targets of protest from various Mexican political and environmental groups who perceive American corporate interests as exploiting Mexican resources at the expense of the Mexican people. Some of Baja California is powered by dirty diesel generators that could be replaced with clean wind power from the La Rumorosa area, but power from the ESJ project is not meant for Mexico. Just like San Diego and other cities, Baja cities could and should increase retail and wholesale distributed generation where it is consumed, as is outlined below.

#### **Alternatives to ESJ and the Sunrise Powerlink**

Dropping energy consumption, increased energy conservation and efficiency requirements and increased mandates for LEED and net-zero buildings are sharply reducing the need for ESJ and other large-scale remote projects that require new, destructive and expensive transmission infrastructure. Some relevant reports are listed below.

1. The *San Diego Smart Energy 2020: The 21st Century Alternative* by Bill Powers of Powers Engineering, see <http://sdsmartenergy.org/smart.shtml>, was included in the record of the Sunrise Powerlink CPUC/BLM review process. *San Diego Smart Energy 2020* demonstrates an estimated 5,000 MW potential for in-basin retail/wholesale renewable energy.

2. *San Diego Smart Energy 2020* and other public testimony throughout the CPUC's Sunrise Powerlink proceedings, and the resulting 11,000 page EIR/EIS, were the basis for the ALJ's proposed decision concluding that the Sunrise Powerlink was not needed.

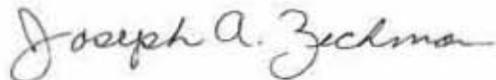
3. Ever-advancing technology and dropping prices make thin film PV even more cost competitive than just a few years ago when *San Diego Smart Energy 2020* was prepared. See Bill Power's recent testimony on the Ivanpah Solar project and the PowerPoint presentation from Black and Veatch for the December 9, 2009 CPUC workshop on connecting urban solar to existing substations (at page 11).

4. The USEPA in its comments on the Solar Energy Development PEIS (September 8, 2009) stated that wholesale and retail distributed generation deserves further consideration. It notes that an estimated 27,000 MW potential has been identified with small-scale projects near existing

power substations throughout California. It further states that distributed generation benefits include fewer environmental impacts than large scale projects, reducing generation costs through reduced line loss, reduced congestion, reduced peak demand loads, which enhance the efficiency, reliability and operational benefits of the distribution system and improve the overall security of our energy supply.

We thank you for consideration of our comments. Please include them in the scoping process and add our name to the serve list for the ESJ project and the release of the EIS.

Respectfully,

A handwritten signature in cursive script that reads "Joseph A. Zechman".

Joseph A. Zechman  
Vice Chair, San Diego Chapter of the Sierra Club  
(619) 709-6268

cc: Carolyn Chase, Chair, San Diego Chapter of the Sierra Club

-----Original Message-----

From: Richard Caputo [mailto:richardcaputo@sbcglobal.net]

Sent: Friday, January 29, 2010 9:25 AM

To: ECOSUB

Subject: Written Comments at the Pubic Hearing in Boulevard, CA on Jan 29, 2010

Dear Mr. Fisher,

Here are my final comment on the Tule wind farm and to some extent on the electrical system to connect it to the local transmission system.

Please consider the Society to be available to help with your environmental studies in any way that we can.

Thank you.

Richard Caputo  
Board of Directors  
San Diego Renewable Energy Society  
P.O. Box 1660  
Julian, CA 92036  
760-765-3157

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## Tule Wind Farm and Electrical Connections in South East San Diego County

Many objections are raised about a wind farm in the mountains in eastern San Diego County such as the Tule Wind Farm. Typical comments are that the noise from a wind farm would be intrusive, property values would fall, large numbers of birds and bats would be killed, it would start forest fires, it would spoil our beautiful vista, etc., etc. What are the facts today?

What about the noise? We are not talking about 1980s technology. That was noisy. We are talking about 2008+ technologies that is not noisy. Well, how noisy is not noisy? You can stand at the base of the tower and have a normal conversation without raising your voice. At 750 to 1000 feet, a wind farm generates a noise that is about the same as you sitting in your kitchen with your refrigerator is running. That is a range of about 35 to 45 dB --- 35dB is a quiet bedroom, a library is about 40dB while 45dB is a really quiet office. When I visited the Campo wind farm, I could not hear the swish of the blades at about 1000 feet. So, the edge of the wind farm should be at least 0.5 miles away from residences to have no noise intrusion.

What about property values plummeting? A very comprehensive study of 25,000 residences showed there was an impact of wind farms on adjacent property values --- they increased property values. Ten wind farm projects in the US in seven states were identified. For each community adjacent to a wind farm, one was found without a wind farm that was comparable. Selling prices for homes were studied in each set of communities for 3 years before and 3 years after the wind farm was built. All this data was analyzed and gave the results of increased property values in the wind farm adjacent communities. So, if you are worried about property values, make sure you build a wind farm nearby.

What about the large number of birds and bats that would be killed? Well, wind generators do kill birds. Each one kills about 1 to 2 birds per year on average. That is a problem but residences kill 1 to 10 birds a year. The road that your car drives on kills 15 to 20 birds per mile. Your house cat kills 1 to 2 birds per year. All told, human activities (and house cats) kill from 260 to 1380 million birds a year. Even if 30% of all our electricity in the USA was generated by wind farms, they would kill about 0.6 million birds. So where does this leave us? One could conclude that bird kill from wind farms are insignificant in the general scheme of human activities. Yet, the California Energy Commission's (CEC) policy is "no activity should kill birds without mitigation simply because other human activities also kill birds." A wise policy. Now that a number of wind farms have been built in California and we have a better understanding of what factors contribute to higher bird kills, wind farms can be designed to reduce the impact on birds. The CEC demands that each new wind farm be designed to mitigate bird impact based on this new understanding. We wouldn't know the likely impacts of this proposed wind farm until a bunch of data was collected and analyzed. This would only occur at the completion of the draft Environmental Impact Statement.

Older wind generators did start fires and some of them did cause ground level grass fires. As with noise, the fire issue has changed in the current generation of wind machines. Each machine now costs 1 to 3 million dollars and needs to operate for about 15 years or so to pay back the investment. So there is a strong interest on the part of the wind farm owner to not have the machine burn up. So much for intent. What about the specifics. These machines are high above ground on a steel tower placed in the middle of a 50 by 70 foot gravel pad with a lack of vegetation around base of tower. The high voltage wires from the machines are underground, lightning protection devices on each tower, and temperatures inside the generators are monitored. Shut down is automatic when above normal temperatures are sensed. The data seems to show that lightning damage to newer machines is rare. However, I have unable to find comprehensive data on ground fires caused by these newer machines one way or the other but it does not seem to be a problem. Even recent lightening strikes or other causes to the lightening balls that destroyed the blades of almost all of the wind generators at the nearby Campo wind farm did not initiate any ground fires.

Finally, you certainly can see a modern wind generator. They are large with the tower being about 300' tall and each of three blades being about 150' long. The question is when you see them, what is your reaction? That depends on the eye of the beholder. It can range from a stick in the eye reaction if it spoils the view you are used to. Or you can see elegant and beautiful kinetic sculptures that are symbols of a less polluting future.

Some say that we will lose our vista and it would be a tragedy for San Diego County. When you look at the map of San Diego County, you will see an enormous amount of land are dedicated to county parks and preserves, state parks and preserves and national forests and recreation areas. One nearby state park is over 600,000 acres. San Diego County is truly blessed with more than ample outdoor space to enjoy in many ways. To take these few 100 acres that are a combination of private, state, Native American and BLM land for the laudable purpose of generating clean energy, is not depriving San Diegans of natural vistas. We have many, many natural vistas and are suggesting using this particular piece of land for a commitment to a cleaner tomorrow. We need to keep things in perspective.

This is a local impact that falls mainly on those living within view of these wind generators. This single 200 MW wind farm will duplicate the renewable energy generated in San Diego by all the roof-top PV systems installed as part of the state CSI \$3.3 billion dollar program over 10 years. This is a notable contribution to San Diego reduction of green house gases (GHG) and thus will moderate some of the Climate Change (CC) impacts from San Diego. Although this is a global problem it has local impacts. One of the most onerous is the increase in frequency and intensity of east county fires in San Diego. The persistent droughts set up conditions for what are now called firestorms. CC will have other significant impacts on San Diego including ocean rise, water supply difficulties and adverse changes in air pollution related diseases. This wind farm will contribute its part to reducing GHG and local impacts related to GHG but it will increase the local impacts especially the change in the viewscape. Only the full environmental study will be able to balance these impacts and point out which is the better bargain.

Some people say why don't we put all our eggs into one basket and only use rooftop PV as our renewable energy source. Urban-sited PV does have a lot of advantages as one of a portfolio of renewable energy options. It is in the urban center without explicit need for transmission connections to the existing grid. However, large amounts of urban PV would need the distribution system to be redone to handle energy movement both ways on the system. This would be a major upgrade to the existing distribution system that assumes that electricity flows in one direction in most parts of the distribution system.

Also, large amounts of PV would require backup since it only has significant energy production over about six hours on the typical day, and misses the summer time peak demand that is in the late afternoon-early evening in San Diego. Each 100 MW of PV typically displace about 20 to 60 MW the peak power demand. The needed backup would take the form of retention of fossil energy use and power plants and/or expensive energy storage. In San Diego that imports about 60% of its energy, large amounts of urban PV would depend on the transportation system to bring in the backup energy. So, rather than a particular link to an existing transmission system such as the Tule wind farm, large amounts of urban PV would require the entire existing transmission system for it to function.

Rooftop PV is expensive and is about three times more expensive than wind energy without subsidies. As with wind, PV does not do a very good job at displacing peak electrical power. So both depend on other renewable energy sources such as baseload geothermal, baseload biomass electric plants and desert solar thermal plants with cheap thermal storage to make the electric grid system work with some stability and adequately meeting peak power demands. Without these other renewable energy options, you would depend too heavily on fossil fuels and expensive storage. This wind farm and roof-top PV need to be considered as part of a portfolio of renewable energy sources because neither wind nor PV do well as "the" single energy source of the future. They both need grid back up and support. You really can't consider them alone as is often done in environmental impact studies. They need to be part of a system that functions well as an electric system. If used exclusively as the "the" renewable energy source, they would introduce imbalances in the grid that would require extensive use of fossil fuels or expensive storage.

All of the above is an attempt to address the negative allegation made against a wind farm. Most of the allegations seem to have little support.

There is a very strong case that you can make for wind farms as a form of renewable energy. This is usually acknowledged by most and then we jump right to the BUT.... What are the elements of a strong case for? The major elements are that for every Kwhr of wind electricity that substitutes for how we now generate electricity, we eliminate air and water pollutants, eliminate green house gases, lower the cost of electricity, don't deplete fossil fuels, and avoids a host of other conventional energy problems and generate jobs both locally and elsewhere in the U.S.

What air pollutants do we eliminate? There would be no sulfur dioxide or nitrogen oxides which make acid rain, or any smog formation from nitrogen oxides, or particulate matter to clog our lungs, or heavy metals such as mercury to cause brain damage to children. To put numbers on this, if 30% US electricity provided by wind and it substituted for today's coal plants, then SO<sub>2</sub> would be reduced by 16 billion pounds/yr, and NO<sub>x</sub> reduced by 9 billion pounds/yr. The avoided human health impacts would be: avoided deaths of 14,364 people/yr; avoided asthma attacks of 300,000/yr, avoided upper respiratory symptoms of 2.07 million/yr. And a bunch of CO<sub>2</sub> would not be generated and reduce the people induced warming of the planet.

What good does reducing green house warming gases do for us? It reduces things like weather extremes such as increased floods and droughts, more frequent and more violent tropical storms (such as Katrina), and rising ocean level. So every KWhr of wind electricity steers us away from our current tinkering with global climate and steer us toward a more stable future.

Wind electricity also avoids all the dreadful other impacts of coal, oil and gas extraction and transport. It also avoids all the geo-political complications and incredible cost of our current immersing in the middle-east. It avoids hazards of nuclear power which are many and insidious such as the dilemma of small probability of catastrophic accident, the use of weapon grade nuclear materials with links to terrorism, the further terrorist threat of "mole" disrupting nuclear plant operation and causing melt down, the terrorist threat of small organized group taking over a nuclear plant and causing melt down, and the long term (geological) radioactive waste storage problem.

Wind is a real benefit and should be pursued vigorously to replace fossils and nuclear power. We can't rely on others in far away places to solve our problem of generating too much green house gases for our own good. This seems like a good place to site a wind farms in our region. This coupled with a host of other things to improve our efficient use of energy and a portfolio of other renewable sources of energy should get us to a much brighter future.

Rich Caputo  
San Diego Renewable Energy Society  
28Jan10  
Julian, CA



**SDAS Position Statement on Proposed San Diego County Wind Farms**  
Updated January 29, 2010

The San Diego Audubon Society (SDAS) supports the development of wind energy in principle. We recognize it to be a relatively non-polluting form of renewable energy that can help address the problems of foreign oil dependency and global climate change.

However, we will not support proposed wind farm that are sited within, adjacent to, or will adversely affect, state or federal natural areas, wildlife preserves, significant habitat or floristic areas, important cultural or religious sites, or undeveloped or roadless areas of particular beauty, recreational, or resource value.

In light of the above, SDAS cannot support current, or recently proposed wind farm developments within San Diego County in the McCain Valley, Table Mountain, or Banner Canyon areas, as they involve one or more of the characteristics outlined in the preceding paragraph. We hope more appropriate sites can be identified for these proposed projects.

In general, we are particularly concerned about the potential of wind farms to inflict high levels of mortality on birdlife (especially raptors) and bats. This problem has been well documented at such locations as Altamont Pass. Local proposals must, as part of their Environmental Impact Statements, specify how bird and bat deaths will be avoided (not mitigated, but avoided).

We endorse the provision adopted at Altamont Pass of shutting down machines at times of high bird or bat activity. A similar provision should be incorporated into San Diego County wind farm proposals. There should also be life-of-project monitoring of bird/bat fatalities, with mandatory shut-downs required if significant problems occur.

As part of the above, we strongly urge that bird and bat monitoring in the vicinity of any proposed wind farm commence at the same time that any wind speed ("Met") towers are built at that site, including monitoring of adverse effects of the test towers themselves. Since most passerines migrate at night, night monitoring (including radar studies) should be included. Field personnel should actively move through the area (not just sit in one location) to better record elusive species.

Additionally, the number of wind turbines now being proposed for the County (and immediately south of it) is sufficiently large that cumulative impact studies need to be carried out to predict the combined effect of all these projects.

Thank you for your attention to these recommendations.

For the San Diego Audubon Society

James A. Peugh  
Conservation Committee Chair

February 3, 2010

*VIA E-MAIL*

CPUC/BLM  
Iain Fisher  
c/o Dudek  
605 Third Street,  
Encinitas, CA 92024  
E-mail: [ecosub@dudek.com](mailto:ecosub@dudek.com)

Re: Comments of JAM Investments, Inc. on SDG&E ECO Substation Project/Tule Wind Project NOP/NOI

Dear Mr. Fisher:

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

**Sunrise Powerlink Project and JAM Mitigation**

JAM objected to the proposed BCD Alternative route shown in **Exhibit A** for the SDG&E Sunrise Powerlink Project which would have resulted in several towers and a 500 kV transmission line running along the floor of the Thing Valley and through JAM's Property. As a Result, CPUC/BLM adopted Mitigation Measure WR-2a to mitigate significant impacts to wilderness and recreation resources (and to avoid unnecessary condemnation of private property). This mitigation measure shortens the route overall by 0.56 miles and provides as follows:

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

See, Final Mitigation Monitoring, Reporting, and Compliance Program for the Sunrise Powerlink Transmission Project dated November 10, 2009, at p. 99<sup>2</sup> and BLM Record of Decision for the Sunrise Powerlink Transmission Project at Appendix A p. D-35.<sup>3</sup>

The proposed re-route submitted by SDG&E as part of the Sunrise Powerlink Project approval accomplished this task by re-routing the power lines to the south of the JAM Property. See excerpt contained at Exhibit B. And Figure E.2.1-1b of the Sunrise Powerlink Final EIR showing this re-route (identified as MM WR-2b re-route) is attached hereto as Exhibit C. This mitigation has been implemented as shown on the Sunrise Powerlink Project Segments Map dated November 2009.<sup>4</sup> This document is found in full at Exhibit D and an enlarged excerpt showing the MM WR-12a re-route south of the JAM Property is shown at Exhibit E.

According to the Project Location Map published by CPUC<sup>5</sup> the Tule Wind project boundaries will abut the JAM Property and may overlap the MM WR-2a re-route. Accordingly, the EIR/EIS prepared for the Project should evaluate the Project's relationship to and cumulative impacts with the Sunrise Powerlink Project, should sufficiently mitigate impacts to the JAM Property, and should expressly include Mitigation Measure WR-12a to reduce impacts to the JAM Property.

---

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

<sup>2</sup> [http://www.cpuc.ca.gov/environment/info/aspden/sunrise/mmcrp/mmcrp\\_main.pdf](http://www.cpuc.ca.gov/environment/info/aspden/sunrise/mmcrp/mmcrp_main.pdf)

<sup>3</sup> <http://www.cpuc.ca.gov/environment/info/aspden/sunrise/rod.pdf>

<sup>4</sup> [http://www.cpuc.ca.gov/environment/info/aspden/sunrise/mmcrp/att\\_A\\_project\\_segments\\_map.pdf](http://www.cpuc.ca.gov/environment/info/aspden/sunrise/mmcrp/att_A_project_segments_map.pdf)

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

Iain Fisher  
February 3, 2010  
Page 3 of 3

Request for Notice

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

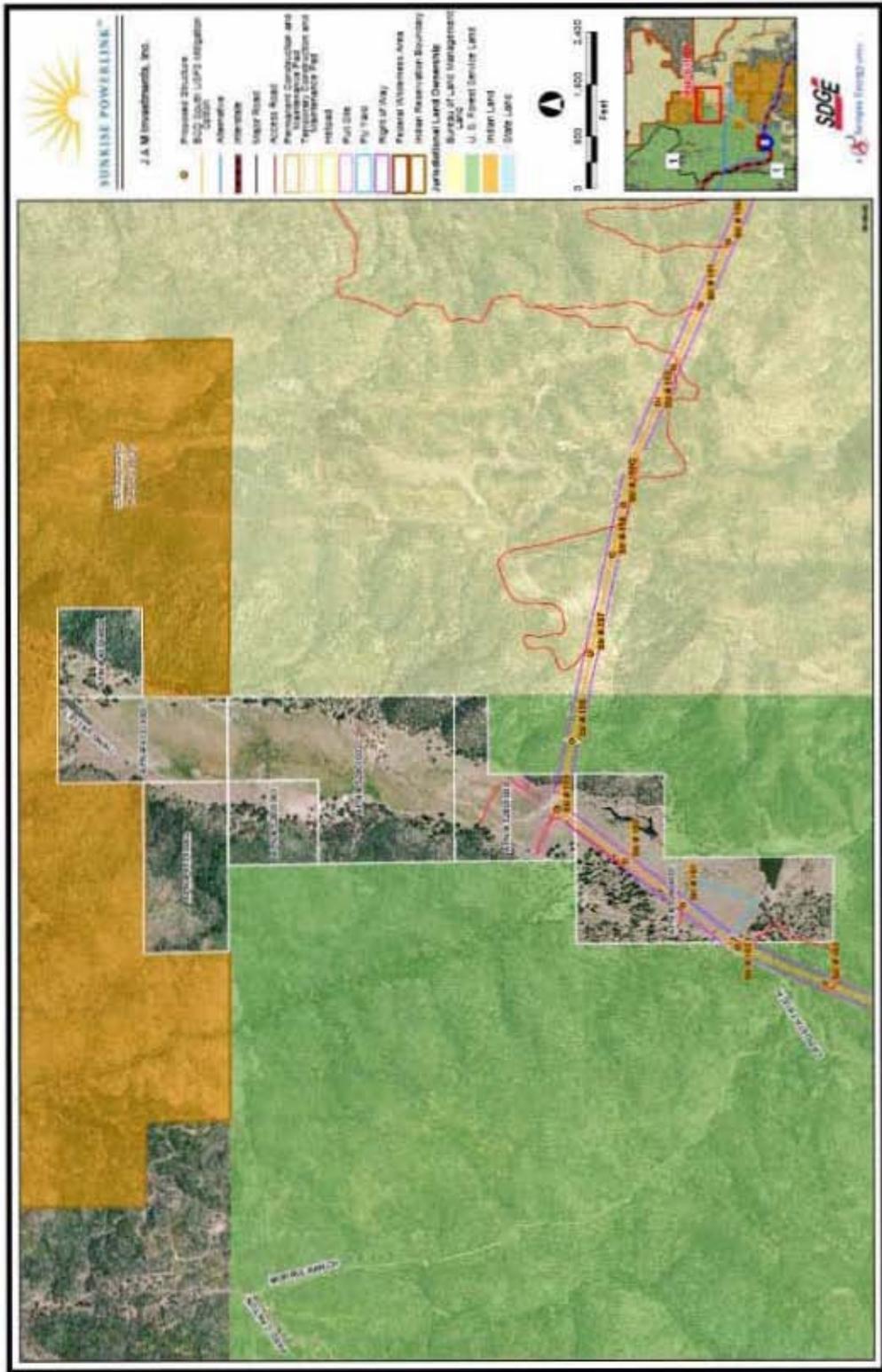
Very truly yours,



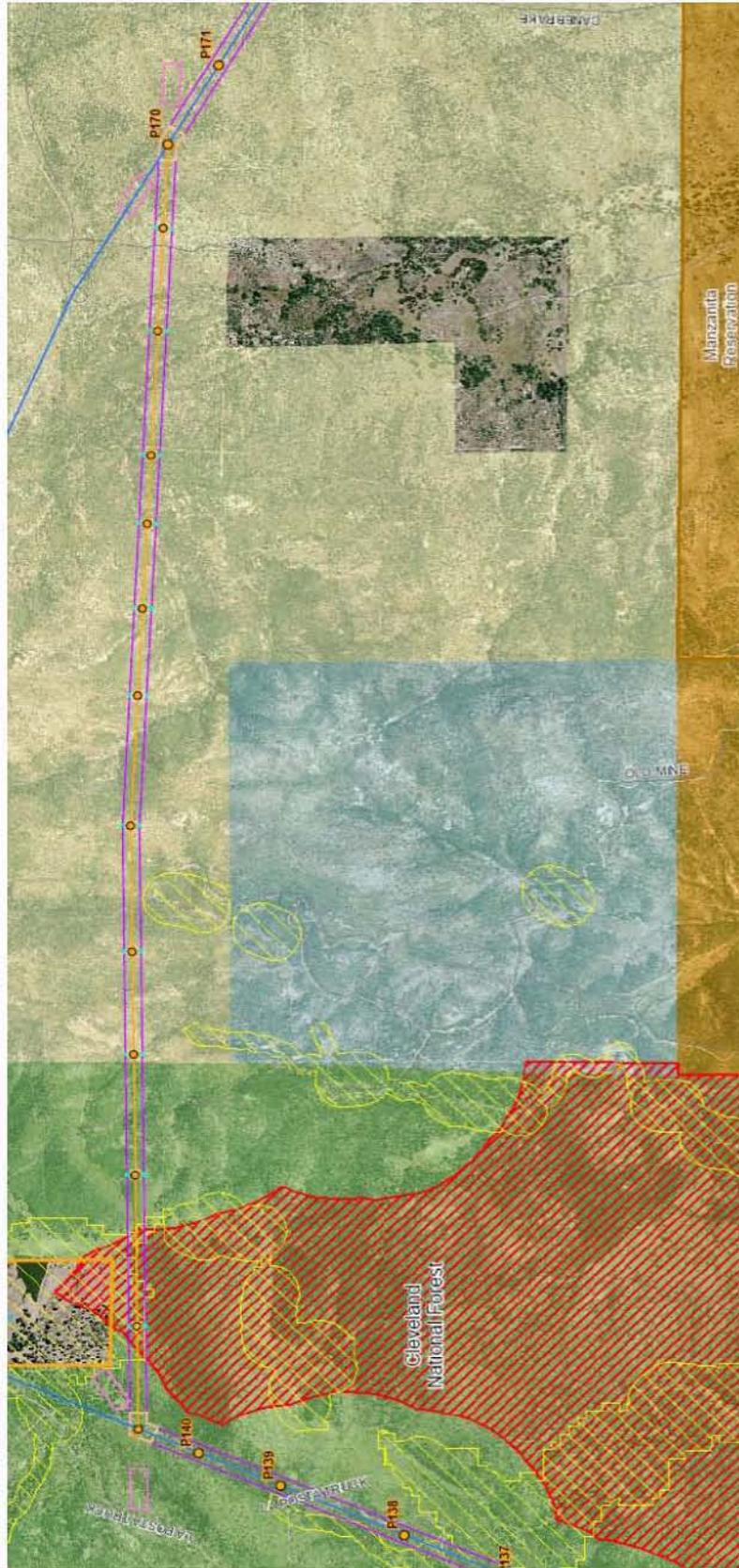
BRETT S. JOLLEY  
Attorney-at-Law

cc: Client

# EXHIBIT A



# EXHIBIT B



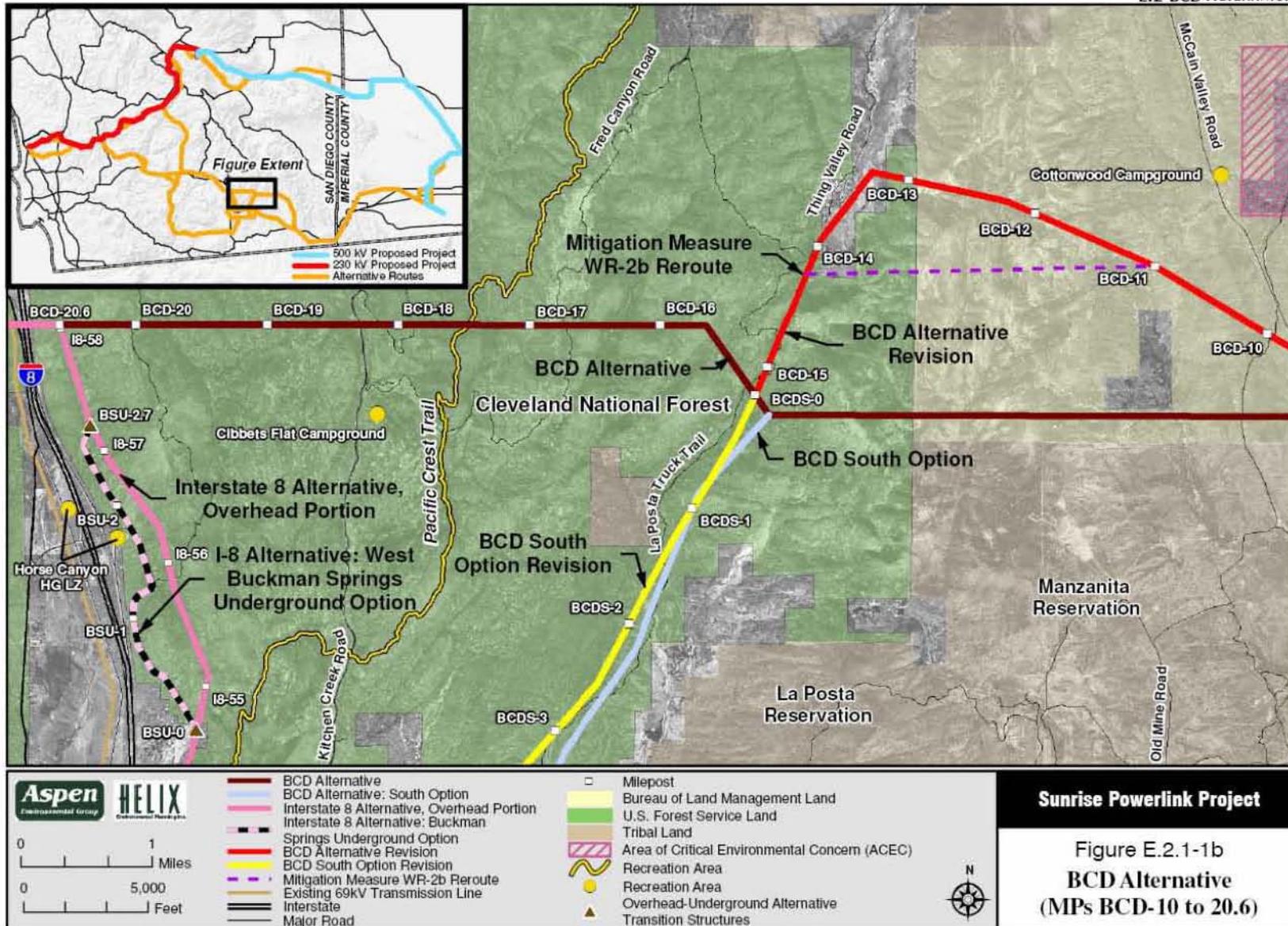
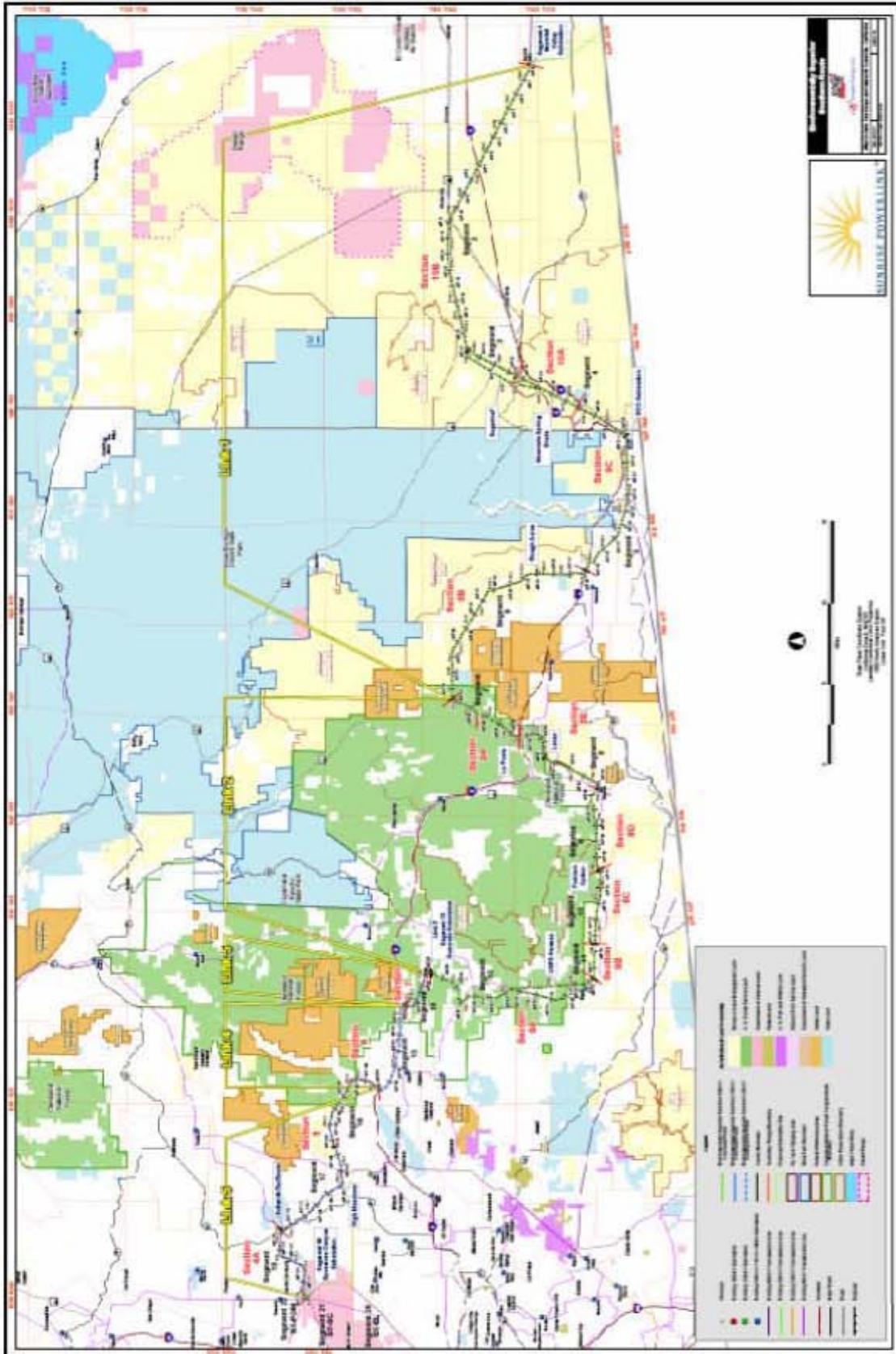


EXHIBIT C

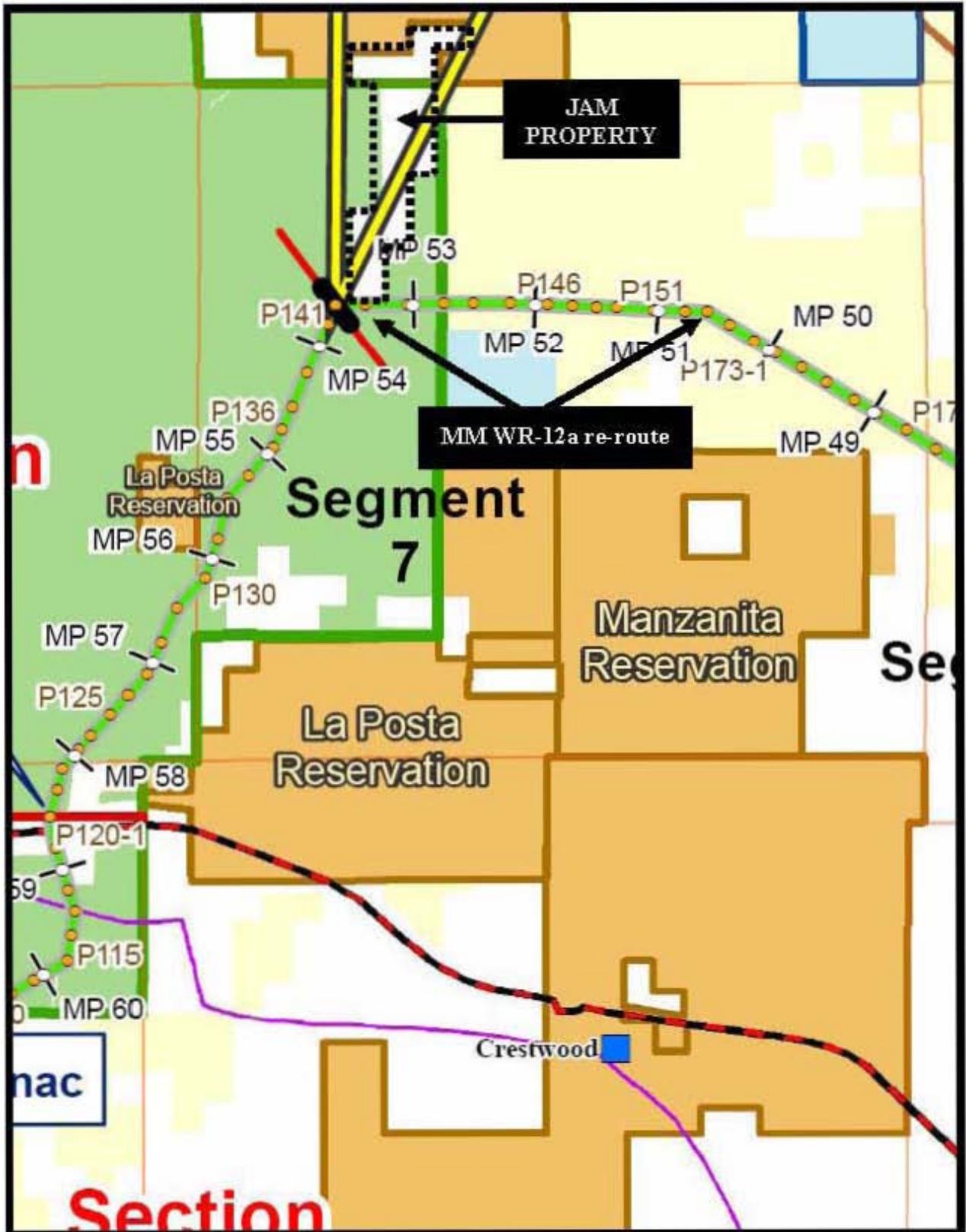
**Sunrise Powerlink Project**

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

# EXHIBIT D



# EXHIBIT E



BOB FILNER  
51ST DISTRICT, CALIFORNIA

VETERANS' AFFAIRS COMMITTEE  
CHAIRMAN

TRANSPORTATION AND INFRASTRUCTURE  
COMMITTEE

AVIATION

HIGHWAY AND TRAVEL

WATER RESOURCES AND ENVIRONMENT



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

3428 RAYBURN HOUSE OFFICE BUILDING  
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TEL: (202) 225-8045  
FAX: (202) 225-9073

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FAX: (619) 422-7290

1101 AIRPORT ROAD, SUITE D  
IMPERIAL, CALIFORNIA 92251  
TEL: (760) 355-8800  
FAX: (760) 355-8802

February 4, 2010

website: [www.house.gov/filner](http://www.house.gov/filner)

Iain Fisher  
CPUC Project Manager  
California Public Utilities Commission  
C/o Dudek  
605 3rd St  
Encinitas, CA 92024

Dear Mr. Fisher:

I am writing to urge you to deny the Iberdrola Renewables proposed Tule Wind energy project in the McCain Valley National Land & Wildlife Management Area and SDG&E's proposed 60-acre ECO Substation east of Jacumba, which includes a new Boulevard Substation and at least 13 miles of new 138 kv transmission lines. These large-scale remote projects on undisturbed lands with extensive and destructive transmission requirements are not necessary.

On November 6, 2009 I sent a letter to the Secretary of Energy, Steven Chu, requesting that he deny Sempra Energy's Presidential Permit Application (PP-334) for their 500kv cross-border transmission line. I have attached it for your convenience and review. All of these projects are dependent on the final approval of SDG&E's Sunrise Powerlink, or as like to refer to it, the Desert Deathlink. As you are well aware, there are currently several legal challenges surrounding the construction of the Deathlink.

It is our responsibility to pursue more cost efficient, productive, and less destructive ways to generate renewable energy without destroying critical and varied resources, including those held sacred by Native Americans. We have to promote fair market Feed-In Tariffs while shifting subsidies and tax credits from the For-Profit multi-national corporations and utilities to the local communities and individual property owners.

I ask you to help redirect the production of energy in the right direction by denying the Tule Wind, ECO Substation, and Energia Sierra Juarez projects. If I can be of

Iain Fisher  
February 4, 2010  
Page 2

any further assistance, please feel free to contact me or John Riccio of my staff at  
(619) 422-5963.

Sincerely,

A handwritten signature in black ink that reads "Bob". The signature is stylized and cursive.

BOB FILNER  
Member of Congress

cc:

Dr. Jerry Pell, Principal NEPA Document Manager  
Office of Electricity Delivery and Energy Reliability  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585-0001

BF/jr  
2532305

Enclosures

BOB FILNER  
51ST DISTRICT, CALIFORNIA

VETERANS' AFFAIRS COMMITTEE  
CHAIRMAN

TRANSPORTATION AND INFRASTRUCTURE  
COMMITTEE

AVIATION

IRRAWAY AND TENNESSEE

WATER RESOURCES AND ENVIRONMENT



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

November 6, 2009

2425 RAVENHILL DRIVE, STE. 100  
WASHINGTON, DC 20545  
TEL: (202) 225-4345  
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IMPERIAL, CALIFORNIA 92224  
TEL: (760) 355-4300  
FAX: (760) 355-4302

website: www.house.gov/filner

Steven Chu  
Secretary of Energy  
United States Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Secretary Chu:

I am writing to recommend the denial of Sempra Energy's (Sempra) Presidential Permit Application (PP-334) for a cross-border 500 kV transmission line because it is not in the best interest of my constituents in San Diego and Imperial Counties. I am intimately familiar with the history of this issue and the groups of people involved. Therefore, I urge you to carefully consider my argument and conclusions.

This transmission line, in combination with the proposed 1,250 MW Sierra Juarez wind energy project in Baja California, Mexico, will connect with the existing San Diego Gas & Electric (SDG&E) Southwest Powerlink 500 kV line at the proposed 85-acre East County (ECO) substation in Jacumba, California. Sempra Energy, a parent company of SDG&E, has no export wind contracts. If PP-334 is approved, it would likely result in the approval of the ECO substation at Jacumba, by the California Public Utilities Commission (CPUC), because of the promise of export wind development in Baja California by Sempra. The approval of the ECO substation project would reward Sempra's affiliate SDG&E with a \$270 million windfall at ratepayer expense even if no single export turbine is ever built.

In the August 28, 2009 letter to the Department of Energy (DOE), Sempra clarified the PP-334 application claiming that the interconnection from Baja California will be an interconnection between a single generator and the proposed ECO substation. However, transmission lines in the U.S. are generally required to be open access as long as a wheeling fee is paid to the transmission line owner. Sempra's insistence that the 1,250 MW interconnection with the ECO substation will create a generator tie is misleading. In actuality the 1,250 MW line will be under the exclusive control and use of Sempra.

The DOE must not reinforce anti-competitive behavior by granting a Presidential Permit to Sempra. Sempra has a history of exploiting the Baja California assets for inappropriate financial gain. In 2006, Sempra was ordered to pay the state of California \$70 million for violating the terms of its 10-year supply power contract. Also in 2006, Sempra settled a lawsuit for \$377 million with Southern California cities for natural gas price fixes during the 2000-01 energy crisis.

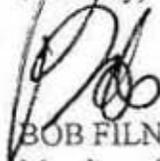
Steven Chu  
November 6, 2009  
Page 2

Sempra asserts that if wind power is imported from Baja California to SDG&E's proposed ECO substation, it will fill the Southwest Powerlink and require construction of a second 500 kV known as the Sunrise Powerlink. The proposed Sunrise Powerlink transmission line will expand markets for Sempra's existing natural gas-fired generators in Arizona and Baja California which will cost nearly \$2 billion, and with no assurance that it will carry any renewable energy.

Mexico has no investment tax or production credits for renewable energies. It is these credits that have made wind energy cost-competitive in the United States. The Mexican electric company, the Comisión Federal de Electricidad (CFE), has already stated publicly that up to 800 MW of wind generation can be transmitted on existing CFE lines that already serve the northern Sierra Juarez wind development area. These lines are integrated with the SDG&E grid through Western Electricity Coordinating Council (WECC).

Sempra's track record does not show that it will develop or manage the Baja California wind energy resources properly. If the DOE approves Sempra's PP 334 application, it will result in a grant of full control over the flow of renewable energy from Baja California which would not be in our region's best interest. Therefore, I urge you to deny Sempra's application.

Sincerely,



BOB FILNER  
Member of Congress

cc:

Anthony Como, Director  
Permitting and Siting, U.S. Department of Energy  
1000 Independence Avenue  
Room 6H-050, OE-20  
Washington, DC 20585

BF/wl  
2526378



February 10, 2010

Greg Thomsen  
BLM California Desert District Office  
22835 Calle San Juan de Los Lagos  
Moreno Valley, California 92553-9046  
E-mail: [catulewind@blm.gov](mailto:catulewind@blm.gov)  
Fax: (951) 697-5299

*Via e-mail and fax*

Re: Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Tule Wind Project and the Proposed East County Substation Project, San Diego County, CA

Dear Mr. Thomsen:

The Colorado Desert District of the California Department of Parks and Recreation (State Parks) offers the following comments for the above project, specifically the proposed Tule Wind Project.

State Parks is a neighboring landowner to much of the BLM-owned lands in eastern San Diego County, and, as such, is keenly interested in the management planning on BLM lands that could impact State Parks lands and resources. We have partnered with the BLM in the past on projects, and will continue to do so where together we can sustain and improve the resources we manage, while providing sustainable recreational and educational opportunities for the public.

The Colorado Desert District feels the issues below require serious consideration for the project.

#### **Incorporation of Previous Comments**

The Colorado Desert District submitted comments on the Eastern San Diego County Draft Resource Management Plan (RMP) and Draft Environmental Impact Statement on May 18, 2007 (BLM designation Lett. # EC-0185, Comment #252). These comments included concerns specifically regarding visual resource management classifications, wind-related energy development, and the McCain Valley area (p. 7). Colorado Desert District submitted further comments on the revision to the RMP on August 27, 2008. State Parks would like to reiterate these 2007 and 2008 comments and incorporate them by reference. We are able to provide duplicate copies of these comments on request.

**Potential Impacts to Visual Resources**

The McCain Valley abuts Anza-Borrego Desert State Park, and these adjacent lands are designated as State Wilderness. State Parks is concerned that the Tule Wind Project could have significant visual impacts to the adjacent State Wilderness. With the typical tall wind turbine towers associated with this type of development, there is the potential for this development to be visible for many miles, thus seriously compromising the public's wilderness experience within Anza-Borrego Desert State Park. Consideration should be given to preclude placing turbine towers immediately adjacent to State Parks lands, and in areas visible from State Park lands. Design should incorporate the use of topography and proximity, where feasible, to screen development from view from State Parks lands.

**Potential Recreational, Noise, Social and Economic Impacts**

State Parks lands, including designated State Wilderness Areas, are adjacent to the BLM land in question.

Colorado Desert District of California State Parks has concerns that the proposed Tule Wind Project could impact visual resources, as well as cause potential impacts to biological resources and recreation, increase ambient noise, and cause social and economic impacts.

The Anza-Borrego Desert State Park General Plan and Final EIR (2005), which was cited as a reference in the Final EIS (p. R-3) for the RMP and in State Parks comments on BLM's Draft EIS, analyzes these resources and threats in the General Plan's Section 2.2.4 Aesthetic Resources (see also Section 1.1.4 Spirit of Place, pp. 1-5 and 1-6 of the General Plan). Visual resources of Anza-Borrego Desert State Park include all of the vistas and viewsheds, both internal and external to the State Park, and these resources are both significant and fragile. Types of potential impacts to these State Park resources are defined in the General Plan:

Just as certain characteristics can summon positive emotions, other features can detract from the participant's pleasure in the Park experience. These undesirable (to some) features include human-fashioned intrusions like power lines, road cuts, buildings, signs, and lights. They include human activities and the impacts of these activities, including noise, traffic, waste, litter, exotic plant species, damaged plants, smog, mining and off-road scars, and crowding.  
(p. 2-78)

The importance of natural sounds and silence is further delineated on p. 2-81 of the General Plan. The recreational values of State Wilderness Areas are stated within Section 2.2.7 Recreational Resources (see also Section 2.4.4 Aesthetic Resource Issues, pp. 2-105 and 2-106; Section 2.4.7 Recreational Issues, pp. 2-107 and 2-108; Section 4.5.3.6 Aesthetic Resources, p. 4-15, and Section 4.5.3.7 Recreation Resources, pp. 4-15 through 4-17):

State Wilderness Areas are...where the handiwork of humans is virtually non-existent, and natural processes prevail.... Paved roads, motorized vehicles, power lines, pipelines, radio towers, and buildings are not to be found within such wild areas. One of the primary purposes of wilderness is to provide visitors with a true "wild" experience; one in which nature and natural processes predominate without manmade intrusions distracting the visitor's senses of sight, sound, smell, and touch. (p. 2-92)

With the proposed Tule Wind Project, visitors to State Parks could be impacted by visual blight, with views from peaks such as Sombrero Peak and Whale Peak impacted, as well as potential visual impacts along ridgelines.

Associated infrastructure from the electric generation development, such as access roads and transmission lines, would lead to increased vehicle and human presence--an adverse impact consisting of degradation/alteration as stated in the RMP's Final EIS, p. 4-69.

The Final EIS of the RMP did not evaluate economic and social impacts to communities such as Borrego Springs, Shelter Valley, and Canebrake due to loss of tourism caused by the degradation of the park experience with the proposed changes. Disproportionate impacts to low income and minority populations could be caused by this degradation. Colorado Desert District of State Parks requests that these potential impacts be evaluated as part of the evaluation of the Tule Wind Project.

### **Wildlife and Vegetation Impacts**

The Final EIS of the RMP indicated that three sensitive species of bats are known or suspected to occur within the Planning Area: Townsend's western big-eared bat (known), small footed myotis (known), and long-eared myotis (suspected). (Table 3-4, pp. 3-31 and 3-32; pp. 3-53 and 3-54)

Mortality of bats at wind energy development sites has been documented by the scientific community (See: Kunz, T.H., Arnett, E.B., Erickson, W.P., Hoar, A.R., Johnson, G.D., Larkin, R.P., Strickland, M.D., Thresher, R.W., and

Tuttle, M.D. [2007]. Ecological impacts of wind energy development on bats: questions, research needs, and hypotheses. *Front. Ecol. Environ.* 5, 315-324. Arnett, E.B., Brown, K., Erickson, W.P., Fiedler, J., Henry, T.H., Johnson, G.D., Kerns, J., Kolford, R.R., Nicholson, C.P., O'Connell, T., et al. [2008]. Patterns of fatality of bats at wind energy facilities in North America. *J. Wildl. Manag.* 72, 61-78.) Newly published studies indicate that mortality results from a change in pressure near wind turbines that bat lungs are not able to accommodate by expelling air; the turbines cause the bat lungs to literally explode (Erin F. Baerwald et al. [2008]. Barotrauma is a significant cause of bat fatalities at wind turbines. *Current Biology*, 18, R695-R696.)

The RMP's Final EIS of impacts of electric energy development under the RMP to bats consists of one sentence: "Wind energy and other utility development could result in increased mortality to individuals (e.g., bat strike, powerline electrocution)." (p. 4-27) There is no mention of these impacts in Section 4.7.3 Impacts on BLM Sensitive Species or Section 4.7.5 Unavoidable Adverse Impacts, even though there are subsections on BLM Sensitive Bats (Section 4.7.3.4, pp. 4-38 and 4-39; Section 4.7.5.2.4, pp. 4-44 and 4-45). Section 4.7.8 Cumulative Impacts does not consider bats. Impacts to bat species, including the new information regarding barotrauma to bat species designated as sensitive, should be evaluated for the Tule Wind Project.

Analysis also needs to be conducted regarding impacts to other wildlife and botanical resources. Potential impacts to vegetation, soils, water quality, air quality and wildlife (such as increase of invasive species, erosion, dust) caused by soil and habitat disturbance involved in construction of the Tule Wind Project and associated infrastructure under the proposed changes must be evaluated.

### **Summary**

Thank you for the opportunity to provide comment. In summary, State Parks believes the proposed Tule Wind Project may have significant Visual, Wildlife, Soil, Air, Vegetation, Recreation, Social and Economic impacts. These must be carefully analyzed and fully mitigated if this project proceeds to development.

Sincerely,

Ronilee A. Clark, Superintendent, Acting  
Colorado Desert District



South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 467-4201  
<http://www.dfg.ca.gov>



February 10, 2010

Iain Fisher, California Public Utilities Commission  
C/O Dudek  
605 Third Street  
Encinitas, CA, 92024

**Subject: Notice of Preparation (NOP) and Notice of Intent (NOI) for the San Diego Gas & Electric Company East County Substation, Tule Wind, and Energia Sierra Juarez Generator Projects, BLM Case File No. CACA49698, CPUC Application A.09-08-003, San Diego County**

Dear Mr. Fisher:

The Department of Fish and Game has reviewed the Notice of Preparation/Notice of Intent (NOP/NOI) submitted by California Public Utilities Commission (CPUC) for the above Projects. San Diego Gas & Electric (SDG&E) filed an application to construct the East County (ECO) Substation Project with the CPUC and an application for a Right-of-Way (ROW) Grant from the Bureau of Land Management (BLM). In addition to the proposed substation Project, the CPUC and BLM have determined that the Energia Sierra Juarez Generator Tie- Line Project (ESJ Project) is so closely related to the proposed Project as to be considered a "connected action" under NEPA as this Project cannot proceed without the ECO Substation Project. One additional Project, the Tule Wind 200 megawatt (MW) Project, is also an interrelated Project as the wind Project would tie into the proposed Boulevard Substation rebuild component of the ECO Substation Project. These Projects will also be analyzed within the Environmental Impact Report (EIR) and an Environmental Impact Statement (EIS).

The primary components of the proposed Projects are situated generally in the McCain Valley area approximately 0.5 mile north of the United States (U.S.)-Mexico border between the community of Boulevard and 0.5 mile west of the Imperial County border. The CPUC and the BLM have developed and signed a Memorandum of Understanding (completed on December 14, 2009) that will direct the preparation of a joint EIR/EIS for the SDG&E ECO Substation Project. The CPUC is evaluating the environmental impacts of the proposed Project in accordance with CEQA and the BLM is evaluating the proposed Project in accordance with NEPA. In addition to the information provided in the NOP/NOI, the Department was also provided the Proponents Environmental Assessment (Dukek 2009) which provides detailed biological information for the ECO, Transmission line and ESJ.

#### **East County Substation**

The ECO Substation Project, as proposed by SDG&E, includes the following major components; Construction of a 500/230/138 kilovolt (kV) substation in Eastern San Diego County, Construction of the Southwest Power link (SWPL) tie-in, a short tie-in of the existing SWPL transmission line to the proposed ECO Substation, Construction of an approximately 13.3 miles 138 kV transmission line between the proposed ECO Substation and the rebuilt Boulevard Substation, and rebuilding of the existing Boulevard Substation.

### **ESJ Project**

As proposed by Energia Sierra Juarez, LLC, the proposed ESJ Project will have the capacity to import up to 1,250 MW of renewable energy generated in northern Baja California, Mexico to the existing SWPL Transmission Line. The selected route would connect with the proposed ECO Substation and would be constructed on three to five 150-foot lattice towers or 170-foot steel monopoles, extending south from the point of interconnection for about 0.65 mile to the U.S.-Mexico international border. Only renewable energy would be transmitted via the transmission line. The EIR/EIS will address the transmission line including any potential impacts to the United States associated with the wind turbines located in Mexico. This Project requires a Presidential Permit (PP-334) from the United States Department of Energy and a Major Use Permit from the County of San Diego. The County of San Diego will use the ECO Substation Project EIR/EIS to issue the Major Use Permit for its compliance with CEQA.

### **Tule Wind 200 MW Project**

The Tule Wind Project was not analyzed in the Proponents Environmental Assessment (PEA) by the CPUC as the Project; however, the CPUC intends to include the Project in the Draft EIS/EIR. At this time, no complete biological technical report is available for the Project; however, the applicant has provided avian and bat surveys, and have conducted surveys for Quino checkerspot butterfly (*Euphydryas editha quino* [Dudek and Tetra Tech 2008]). The proposed Tule Wind 200 MW Project, consisting of approximately 200 wind turbines capable of generating up to 200 MW of electricity, would be located in the McCain Valley in the In-Ko-Pah Mountains in eastern San Diego County, California. In addition to wind turbines and associated generator step-up transformers, the Tule Wind 200 MW Project would include the following Project components; Construction of a 34.5 kV overhead and underground collector cable system linking the wind turbines to the Project substation, a five-acre Project substation including an on-site operations and maintenance facility, construction of two meteorological towers within the five-acre substation site, construction of an overhead 138 -kV transmission line linking the Project substation to an interconnect with the SDG&E Boulevard Substation, construction and operation of the portion of the transmission line from the Project substation to the Boulevard Substation, and newly constructed access roads and temporarily widening and making improvements to existing roads.

### **Department Jurisdiction**

**Trustee Agency Authority:** The Department is a Trustee Agency with the responsibility under CEQA for commenting on Projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from Project activities, as those terms are used under CEQA.

**Responsible Agency Authority:** The Department has regulatory authority over Projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380,

15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

**Department Comments:**

The Department recommends that biological surveys be conducted over the entire Project site in preparation for the EIR/EIS that would analyze the potential impacts of the Project on listed and sensitive species. Focused biological survey(s) for sensitive state and federally sensitive species should be conducted by a qualified biologist during the appropriate survey period(s) to detect presence of special status species. This information is necessary to identify any mitigation, minimization, and avoidance measures.

**Cumulative Impacts:** The Department recommends the EIR/EIS provide a quantified cumulative impact analysis for the biological resources. For example, the permanent and temporary ground disturbance of an individual turbine is small; however combined, the Project will have an impact to the entire landscape within the Project boundaries. This analysis should provide a discussion of the impacts to existing conservation areas as well as the implications to the preserve design of the draft East County Multiple Species Conservation Plan.

**Sensitive Species:** The Project has the potential to reduce the number or restrict the range of several endangered, rare, or threatened species (as defined in Section 15380 of CEQA), which may be present in the Project area including, but not limited to the State listed sensitive and fully protected species golden eagle (*Aquila chrysaetos*), species of special concern northern harrier (*Circus cyaneus*), State-listed endangered willow flycatcher (*Empidonax traillii extimus*), coast horned lizard (*Phrynosoma coronatum*). Sensitive plant species including, Jucumba milkvetch (*Astragalus Douglasii*), could also occur in the Project area.

**Fully Protected Species:** The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish, pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited, and the Department cannot authorize their "take" for development. The bighorn sheep and golden eagle are fully protected species that could use the Project site. The CEQA document prepared for this Project should evaluate and address potential Project-related impacts to these species, and should include appropriate species specific avoidance and minimization measures.

**Bird Protection:** The Department has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include Sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird).

**Lighting and Grounding:** The lighting should balance FAA requirements with protection of birds and bats. These recommendations include:

- Use flashing lights with the minimum "on" period on turbines.
- Keep lighting at both operation and maintenance facilities and substations to the minimum required to meet safety and security needs.

- Use white lights with sensors and switches that keep the lights off when they are not required.
- Lights should be hooded and directed to minimize backscatter, reflection, skyward illumination, and illumination of areas outside of the facility or substation.

The Department recommends the applicant incorporate these specific measures into the project which will minimize effects of lighting on wildlife as compatible with FAA requirements.

**Stream Alteration Notification:** The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code Section 1600 et seq. If construction activities will involve work within a bed, bank, or channel, a Stream Alteration Agreement may be necessary, and the Project proponent should submit a Stream Alteration Notification to the Department for the Project. The Department is required to comply with CEQA in the issuance or the renewal of a Stream Alteration Agreement; therefore, for efficiency in environmental compliance, we recommend that any stream disturbance be described and mitigation for the disturbance be developed as part of the environmental review process. This will reduce the need for the Department to require extensive additional environmental review for a Stream Alteration Agreement for this Project in the future.

**Nesting Birds:** Vegetation within the Project area likely provides nesting habitat for a variety of avian species, and ground-nesting birds also have the potential to exist in the Project area. If construction activities or vegetation removal must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

### **Tule Wind Project Specific Comments**

**Peninsular bighorn sheep:** The Department is concerned that the Project may have impacts to bighorn sheep. Although the Project is located to the west of designated Critical habitat, the EIR/EIS should analyze the potential indirect impacts the Project may have to documented bighorn sheep locations. At the January 27<sup>th</sup> site visit with the applicant, a presentation by West Inc., attempted to make a prediction regarding how bighorn sheep would be impacted by the proposed project by comparing bighorn sheep to other studies on ungulates like Elk and pronghorn. The Department cautions the applicant in oversimplifying the analysis based on observations of other species. The Department welcomes coordination with our bighorn sheep experts to determine adequate minimization measure for the species.

**Golden Eagle:** The Department has reviewed the applicant's 2005-2006 *Avian Survey Report* and 2007-2008 *Avian Survey Report* (Tetra Tech 2008 and 2009). The report concludes that although three observations of golden eagle were observed, expectation for take is low (page 12). The report does little to conclude why eagle mortality is not expected despite the observations. The Department recommends focused eagle studies to fully determine use of the Project site and the Project vicinity by eagles. Without this information it is unlikely the extent of impact the Project will have on the species can be determined. As part of the study, the

applicant should conduct helicopter surveys for eagle nests. The U.S. Fish and Wildlife Service is working on guidance for Projects with the potential to impact eagles that will include recommendations for helicopter surveys. The Department recommends using this guidance when it becomes available.

**Willow Flycatcher:** According to the 2009 survey report, the state listed Willow Flycatcher was observed on the Project site (page 13). However, the report goes on to conclude that although they were observed, mortality is not expected. The basis of this conclusion is not clear. If willow flycatcher, a known migrant, is known to use the Project site, the report should more accurately conclude mortality is likely to occur during annual migration. Mortality of willow flycatcher as a result of the Project would require an Incidental Take Permit. The Department recommends early consultation with the Department to determine if take authorization is required.

**Migratory Bird Impacts:** The California State Energy Commission (Commission), in cooperation with DFG, has prepared draft "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (Guidelines). The Guidelines are intended to provide recommended methods to assess bird and bat activity at proposed wind energy sites, design pre- and post-construction monitoring and adaptive management plans, and develop and implement impact avoidance, minimization and mitigation measures. The Guidelines have been in final draft form and posted on the Commission's website since April 4, 2007, and have been circulated for comment and refinement to many cooperating agencies and experts in the wind energy field. A final citable version of the Guidelines dated July 2007 has been posted on the Commission's website on July 17, 2007, and is now intended for use by lead agencies and Project planners. The Department recommends that the EIR/EIS include a comparative analysis of the bird and bat survey protocol recommendations in the Guidelines with those that have been conducted by the applicant to-date, or are proposed to be conducted prior to construction. The EIR/EIS should disclose those survey activities conducted to-date which are consistent in design and scope with recommendations of the Guidelines, and should provide justification for omitting surveys which may be recommended by the Guidelines based on Project specific criteria. The EIR/EIS should also discuss the potential applicability to the Project of the Guideline's recommended adaptive management strategy options.

The Department notes that surveys conducted to-date have provided incomplete information on potential flight patterns of migratory birds, and did not attempt to survey for night time migration using radar. However, the Department notes that many of the bird and bat species using the Project area are migratory. McCain Valley is located between San Diego and the Salton Sea within the Pacific Flyway, suggesting that migration is likely across or in the vicinity of the Project. In order to determine if observed flight patterns represent prevalent migratory behavior, the Department recommends that additional studies be undertaken, including night time radar migration observations, to determine if existing migration corridors may place migrating species at risk of turbine collisions. These surveys should be commenced as soon as possible, but can be undertaken independent of release of the EIR/EIS, provided the survey need and intended survey protocol is described in the EIR/EIS, the options for mitigation strategies are fully disclosed by the EIR/EIS, and the survey results and recommended mitigation are incorporated into the Final EIR/EIS and Project design. The Department welcomes the opportunity to assist the applicant to design a radar survey effort during night time hours for migratory birds.

Depending upon the results of the previously mentioned biological surveys, we may have additional comments and recommendations regarding avoidance, minimization, and mitigation of Project impacts to habitat and special status species. If you have any questions regarding these comments, please contact Erinn Wilson, Staff Environmental Scientist, at telephone at (714) 968-0953.

Sincerely,



Edmund Pert  
Regional Manager  
South Coast Region

cc: Iain Fisher, Project Manger  
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February 10, 2010

Mr. Iain Fisher  
California Public Utilities Commission  
c/o Dudek, SUBMITTED ELECTRONICALLY  
605 Third Street  
Encinitas, CA 92024

RE: Energia Sierra Juarez U.S. Transmission, LLC (ESJ U.S.) Scoping Comments for the San Diego Gas & Electric Company (SDG&E) East County Substation Project

Dear Mr. Fisher:

Energia Sierra Juarez U.S. Transmission, LLC (ESJ U.S.) hereby submits the following comments and points of clarification on the Notice of Preparation (NOP) for the SDG&E East County Substation (ECO Substation).

- 1) Page 7, Section D.3, 3<sup>rd</sup> paragraph – States that the Energia Sierra Juarez Generator-tie Line (ESJ Gen-Tie) Project is a connected action as “this project cannot proceed without the ECO Substation project”. The statement that the ESJ Gen-tie Project cannot proceed without the ECO Substation is incorrect and should not be included in any future materials

The decision to construct the ESJ Gen-tie is independent of any decision to construct the ECO Substation Project and vice-versa. Should the ECO substation not be built, ESJ U.S. would seek another interconnection solution and per FERC requirements, SDG&E would be obligated to provide it.

SDG&E has articulated reasons for proposing the ECO Substation that are independent of the ESJ Gen-tie Project and include facilitating interconnection of renewable generation in the area and improving reliability of the existing transmission system in the region. Specifically, SDG&E has stated in the NOP Project Purpose that the ECO Substation project would eliminate the need for multiple generator-owned or operated switching stations, accommodate all of the region’s planned generation based on the California Independent System Operator’s Generator Interconnection Queue (CISO Queue),

facilitate interconnection of renewable generation sources in the Boulevard area and increase reliability of service for Boulevard, Jacumba and surrounding communities. Indeed, the CAISO Queue shows interconnection requests Q32 – 201MW and Q106A – 160MW, interconnecting to the Boulevard Substation. Consequently, even if the ESJ Gen-tie is not constructed, the ECO Substation would serve other interconnectors and other purposes. Thus, SDG&E's decision to construct the ECO Substation does not hinge on a decision by ESJ to construct or not construct the ESJ Gen-tie.

- 2) Page 7, Section D.3, 4<sup>th</sup> paragraph – The Tule Wind Project as proposed by Iberdrola Renewables, Inc. is described as an “interrelated project” due to plans to tie into the Boulevard Substation rebuild component of the ECO Substation Project. In contrast, as stated above, the ESJ Gen-Tie Project is identified as a “connected action”. We do not believe that this differentiation is appropriate, given that both projects are relying on SDG&E providing adequate interconnection facilities through the CAISO process and should be evaluated equally in the CEQA assessment for the ECO Substation. We note that this differentiation appears to have been eliminated since the NOP was published. Materials used by the Commission at the recent public scoping meetings referred to both projects as connected actions.

ESJ U.S. looks forward to working with the California Public Utilities Commission on this project. Should you have any questions do not hesitate to contact Albert Abreu, Project Director at 619- 696-2121 on overall project issues or contact me regarding specific environmental issues at 619-696-1824.

Sincerely,



Joan A. Heredia  
Permitting Manager

Cc: Project File  
Alberto Abreu

- Impacts to bird and bat populations
- Impact to suitable habitat for the endangered Quino checkerspot butterfly
- Fragmentation of habitat;

WHEREAS the U.S. Bureau of Land Management appears to have violated the Endangered Species Act when it failed to conduct or require site-specific biological resource studies, and when it failed to formally consult with the U.S. Fish and Wildlife Service to ensure that wind testing facilities will not jeopardize any listed species or harm designated critical habitat;

WHEREAS the company investigating installation of wind generating facilities, Pacific Wind Development LLC, appears to have violated its wind testing permit at one of the McCain Valley sites by failing to remove evidence of vehicle tracks to at least one test tower so as to discourage establishment of new vehicle trails through undisturbed habitats;<sup>7</sup>

WHEREAS the Desert Committee of the San Diego Chapter of the Sierra Club has unanimously elected to oppose wind energy generating and/or testing facilities at the Banner Grade, Jacumba, and McCain Valley sites for the reasons specified above and to take no position on the Shockey Truck Trail site; NOW THEREFORE BE IT

RESOLVED that the San Diego Chapter of the Sierra Club opposes location of future wind energy generating and/or testing facilities at the following sites for the reasons listed above, consistent with the Sierra Club's Wind Siting Advisory guidelines and the U.S. Bureau of Land Management's Interim Wind Energy Development Policy guidelines:

- McCain Valley National Cooperative Land and Wildlife Management Area
- Banner Grade
- Jacumba

RESOLVED that the San Diego Chapter of the Sierra Club takes no position on the Shockey Truck Trail wind testing site pending further analysis;

RESOLVED that the San Diego Chapter Sierra Club Energy Committee representatives, in collaboration with the Conservation Committee, will seek to establish a wind energy advisory coalition in an effort to identify appropriate wind resource areas consistent with national Sierra Club policy and in cooperation with scientists, regulators, wind developers, SEMPRA, and others; AND

RESOLVED that Kelly Fuller be appointed as the San Diego Chapter Sierra Club's representative and spokesperson on the issue of possible wind energy generating sites on BLM land at Banner Grade, Jacumba, McCain Valley, and Shockey Truck Trail.

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<sup>7</sup> See Exhibit C, U.S. Bureau of Land Management Right-of-way grant/Temporary Use Permit; "All tracks will be raked out after construction is complete."