Energía Sierra Juárez EIS Scoping Comments

This page lists the stakeholder comments received as of April 28, 2009. The listings are hyperlinked; click a listing to jump to the beginning of that comment.

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<td>Karen A. Goebel, Assistant Field Supervisor, US Department of the Interior, Fish and Wildlife Service, Ecological Services, Carlsbad Fish and Wildlife Office</td>
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<td><strong>Native American Tribes</strong></td>
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<td>Bridget R. Nash-Chrabascz, Historic Preservation Officer, Quechan Indian Tribe</td>
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<td><strong>State Agencies</strong> – No State agency comments were received.</td>
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<td>Dianne Jacob, Second District Supervisor, San Diego County Board of Supervisors</td>
<td>September 3, 2008 letter to DOE</td>
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<td>Eric Gibson, Director, San Diego County Department of Planning and Land Use</td>
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<td><strong>Non-Governmental Organizations and Individuals</strong></td>
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<td>Dennis Berglund</td>
<td>August 26, 2008 public scoping meeting</td>
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<td>LeAnn Carmichael</td>
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<td>Barbara Chamberlain, Chairman, and Robin M. Simmons, Vice-Chairman, The Committee for Responsible Growth</td>
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<td>Diane Conklin</td>
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<td>Gary Hoyt</td>
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<td>Kevin Krekelberg, Citizens United for Sensible Power</td>
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<td>Ray Lutz</td>
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<td>Ray Lutz</td>
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<td>Karen McIntyre</td>
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<td>Jeffrey McKerman</td>
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<td>Laura McKerman</td>
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<td>Mark Ostrander</td>
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<td>Bill Parsons</td>
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<td>Bill Powers, Power Plant Working Group</td>
<td>August 26, 2008 public scoping meeting</td>
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<td>Aaron Quintanar, Border Power Plant Working Group</td>
<td>March 27, 2009 letter to DOE</td>
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<tr>
<td>Aaron Quintanar, Border Power Plant Working Group</td>
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<td>Steven Siegel, Center for Biological Diversity and Sierra Club</td>
<td>September 3, 2008 letter to DOE</td>
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<td>Steven Siegel, Center for Biological Diversity and Sierra Club</td>
<td>March 24, 2008 letter to DOE</td>
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<td>Donna Tisdale, President, Backcountry Against Dumps</td>
<td>April 10, 2009 email to DOE</td>
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<td>Donna Tisdale, President, Backcountry Against Dumps</td>
<td>March 27, 2009 letter to DOE</td>
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<td>Donna Tisdale, Boulevard Planning Group</td>
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<td>Donna Tisdale, Boulevard Planning Group</td>
<td>September 3, 2008 letter to DOE</td>
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<td>Donna Tisdale, representing herself</td>
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<td>Dennis Trafecanty</td>
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<td>Anita Williams</td>
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<td>Gerald Yops</td>
<td>August 26, 2008 public scoping meeting</td>
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Dr. Jerry Pell  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Subject: Comments on the Notice of Intent to Prepare an Environmental Impact Statement;  
Energia Sierra Juarez U.S. Transmission, LLC

Dear Dr. Pell:

The U.S. Fish and Wildlife Service (Service) has reviewed the Department of Energy Notice of Intent (NOI) for the proposed action granting a Presidential Permit to Energia Sierra Juarez U.S. Transmission, LLC, to construct a new electric transmission line across the U.S.-Mexico border. The transmission line would involve the construction, operation, and maintenance of new transmission infrastructure in southeastern San Diego County, including land administered by the Bureau of Land Management (e.g., Jacumba Wilderness Area and Roosevelt Reservation). The NOI presents two route alternatives, both within 1 mile of each other.

The proposed transmission line project was mentioned in the NEPA analysis for the Sunrise Powerlink as an interconnected project that would require a separate approval process. As such, the proposed project was not addressed under Endangered Species Act formal consultation for the Sunrise Powelink project.

The following comments are provided for your use and information in preparing the environmental impact statement (EIS):

1. Based on our review of the NEPA documents for the Sunrise Powerlink project, it appears the proposed project may impact wildlife movement, including Peninsular bighorn sheep (PBS). This potential impact should be assessed in the EIS including a discussion of appropriate avoidance and minimization measures. Mitigation to offset unavoidable impacts should also be addressed in the context of the NEPA analysis.
2. PBS and Quino checkerspot butterfly (QCB) proposed and designated critical habitats are within or immediately adjacent to the proposed alternative alignments. Impacts to the species and critical habitat should be addressed, including increased non-native invasive plants, fire, etc. from the transmission line on the primary constituent elements of the critical habitats.

3. The EIS should include all the necessary information to accurately quantify the potential direct and indirect impacts of each project component on listed species (e.g., PBS and QCB) and their habitats. A series of maps should be included that depict the locations of project features, such as towers, permanent and temporary access roads, and staging areas. These maps, at a minimum, should also include vegetation types, known occurrences of listed species, suitable habitat for listed species, and proximity of project alignments to designated and proposed critical habitats. The information requested above should be based on up to date habitat assessments and species surveys in the project area.

4. The federally-listed PBS and QCB are known to occur within or near the project area; therefore, consultation under section 7 of the Endangered Species Act may be required.

Thank you for the opportunity to comment on this project.

Sincerely,

Karen A. Goebel
Assistant Field Supervisor

cc: USFWS, Pacific Southwest Region
Vijai N. Rai, OEPC
Regional Environmental Officer, OAK
BCPA (ERT)
Good Morning -

The Cultural Committee has requested that all of the resources (cultural and biological) within the project area and in the natural landscape be considered within the EIS. The project is within the Tribes' traditional land area and there are several resources affiliated with the Tribe in the area. There is concern over the cumulative impacts on the area as several projects, most large in scale, have been proposed or are currently being constructed within the area. The Tribe would like each of these evaluated as we are seeing more and more of the traditional landscape being destroyed. Also, we ask that when evaluating the project area for cultural resources, that we be allowed to participate and that the firm look at the landscape from a holistic perspective.

Please feel free to call or email with any questions you may have.

Bridget R. Nash-Chrabascz
Quechan Tribe Historic Preservation Officer
Quechan Indian Tribe
PO Box 1899
Yuma, AZ 85366
760-572-2423
Ms. Ellen Russell  
Office of Electricity  
Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-0350

RE: COMMENTS ON THE ENERGIA SIERRA JUAREZ (FORMERLY LA RUMOROSA) WIND PROJECT TRANSMISSION ENVIRONMENTAL ASSESSMENT (DOE/EA-399)

Dear Ms. Russell:

As Supervisor of the Second District of the County of San Diego, I represent more than 2,000 square miles of the eastern portion of the County, including the Jacumba area which would be severely impacted by Sempra Energy’s proposed Energia Sierra Juarez Wind Project (ESJ) in Baja, Mexico and the project’s transmission line on the U.S. side of the U.S./Mexico Border.

I appreciate the opportunity to express my serious concerns with the ESJ. First, I question the Department of Energy’s (DOE) requested level of environmental review for the ESJ and its decision to process the ESJ independently of several significant infrastructure projects upon which ESJ may depend. Second, I am troubled by EJS’s impacts to community character and the area’s majestic and fire-prone landscape. Finally, I question the overall reliability that would result from importing power from Mexico.

I am alarmed by the DOE’s decision to require an Environmental Assessment (EA), rather than a comprehensive Environmental Impact Statement (EIS) for the ESJ. I am aware that the Department of Planning and Land Use of the County of San Diego has prepared comments on the ESJ. I support the County’s position that the ESJ presents significant direct and indirect environmental effects to biological cultural and visual resources; community character, panoramic views of ridgelines, skylines and natural landscapes; dark skies and wildfire hazards. The DOE must require an EIS for the project, which would allow for a thorough evaluation of project including project alternatives and additional opportunities for public input.

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220 E. Main Street, Suite 150 • El Cajon, CA 92020-3254  
www.diannejacob.com • Email: diannejacob@sdcounty.ca.gov
I have concerns with the DOE’s decision to process the ESJ at the very same time San Diego Gas and Electric’s (SDG&E) Sunrise Powerlink proposal is being processed by the California Public Utilities Commission (CPUC). The Environmental Impact Statement (EIS) for Sunrise was specifically and deliberately recirculated by the CPUC because the CPUC recognized the need to examine the relationship between the ESJ and the Sunrise Powerlink. The CPUC is evaluating that now. The processing of the ESJ should wait until a decision can be reached in the Sunrise case. If the ESJ is dependent on other transmission line upgrades, specifically the existing Southwest Powerlink, this fact should be made public immediately.

Similarly, I request additional information about the proposed new substation on the U.S. side of the U.S./Mexico Border which Sempra Energy maintains is required for ESJ. Currently, the related substation would not be included in the project analysis. This is unacceptable because the ESJ is wholly dependent and related to the substation; the substation must be included in any environmental review. I share the County’s concerns that impacts of these projects together are cumulative and should be regarded as such.

Regarding EIS’s threat to community character, as noted in the County’s formal comments, the County is in the process of updating its General Plan. It intends for the Jacumba area to remain rural. The draft plan calls for one dwelling unit per 80 acres to maintain rural character. It is my very strong belief that the ESJ would substantially alter the character of the area and be inconsistent with the County’s planning goals. It should also be noted, that the energy generated by ESJ will serve customers in Los Angeles, not San Diego—yet San Diegans in the Jacumba area being asked to endure the project’s blight.

The Jacumba area is recognized as especially rare and ecologically sensitive. It includes highly valued scenic vistas, ridgelines and viewsheds that would be forever compromised by the infrastructure related to the ESJ. This landscape is especially fire-prone particularly during the region’s famed and deadly Santa Ana wind conditions. San Diego County continues to endure record drought. The threat of fire remains at an unprecedented high. ESJ infrastructure, particularly powerlines, presents a significant source of ignition in areas with rugged and inaccessible terrain.

Finally, I question the wisdom of locating energy generation projects in a foreign country with a notoriously unpredictable government. Reliability remains a critical concern because imported power is, by nature, risky. It is not outside the realm of possibility that forces beyond our nation’s control will impede the delivery of this power.
I appreciate the opportunity to address my concerns. I look forward to receiving future environmental documents related to this project and being afforded the opportunity to express my thoughts again in order to preserve the rural backcountry and alleviate any significant impacts to our sensitive and protected lands. If you have any questions regarding these comments, please don’t hesitate to contact me.

Sincerely,

DIANNE JACOB
Vice Chairwoman, Second District
March 27, 2009

Dr. Jerry Pell
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585
email: Jerry.Pell@hq.doe.gov
facsimile: 202-318-7761

RE: Energia Sierra Juarez Transmission Line Environmental Impact Statement (DOE/EIS-0414)

Dear Dr. Pell:

The County of San Diego (County) has reviewed the notice of intent (NOI) published February 25, 2009 in the Federal Register to prepare an Environmental Impact Statement (EIS) for the Energia Sierra Juarez Transmission Line project (ESJ, previously referred to as Baja Wind), a new electric transmission line at the U.S.-Mexico border, near the community of Jacumba. The County concurs that an EIS is the appropriate document to be prepared under the National Environmental Policy Act (NEPA) and appreciates the opportunity to provide comments and make specific requests regarding the proposed development and environmental review.

The County is the land use authority for the unincorporated area of San Diego County. The public looks to the County to establish regulations that guide reasonable and environmentally sensitive growth, especially in rural communities. The County is also responsible for maintaining the quality of County road right-of-ways and public facilities, and the recreational and biological value of the parks, preserve areas, and trail systems. Staff from the County of San Diego Department of Planning and Land Use (DPLU), Department of Public Works (DPW), and Department of Parks and Recreation (DPR) have reviewed and commented on the scope of the EIS for ESJ.
The County is concerned about maintaining the quality of the environment and other elements of importance to the quality of life in unincorporated County of San Diego, which could be impacted by ESJ. ESJ may also have extensive significant negative effects on lands purchased by the County for conservation and recreational purposes and impact the County’s planning efforts for an East County Plan being developed under the Multiple Species Conservation Program (MSCP).

During the previous scoping period for the initially proposed Environmental Assessment for ESJ, the County submitted a comment letter dated September 3, 2008 that raised numerous issues regarding the project and expressed concerns at a public scoping meeting on August 26, 2008 in Jacumba. Those communications remain applicable to the current scoping for the EIS. In addition, enclosed are additional comments from the County regarding a number of issues that should be addressed in the EIS. The comments are extensive and detailed, but are intended to help create a stronger environmental document and in no way reflects an opinion by the County regarding the validity or necessity for the project. The County would also like to express its support for alternative energy, such as wind and solar.

The County of San Diego appreciates the opportunity to participate in the environmental review process for this project. We look forward to receiving future environmental documents related to this project or providing additional assistance at your request. If you have any questions regarding these comments, please contact LeAnn Carmichael at (858) 694-3739 or e-mail LeAnn.Carmichael@sdcounty.ca.gov.

Sincerely,

ERIC GIBSON, Director
Department of Planning and Land Use

Attachment A – Detailed Scope of EIS Comments
Attachment B – September 3, 2008 Comment Letter on EA
Attachment A
County of San Diego General Comments regarding the Scope of the EIS
March 27, 2006

The following are additional comments from the County regarding a number of issues that should be addressed in the EIS. Please note that while the comments are extensive and detailed, they are intended to help create a stronger environmental document and in no way reflects an opinion by the County regarding the validity or necessity for the project.

PROJECT DESCRIPTION OVERVIEW

ESJ is proposing to connect a wind turbine facility in the vicinity of La Rumorosa, Baja California, Mexico (La Rumorosa) to San Diego Gas & Electric Company's (SDG&E) existing Southwest Powerlink (SWPL) 500-kV transmission line, which would rely upon the Sunrise Powerlink (SPL) or other transmission line upgrade to reach consumers. La Rumorosa, although not yet constructed, is proposed solely to provide power to the U.S. market. ESJ is the sole transmission line that will carry power from La Rumorosa to the U.S. market. ESJ would consist of either a double-circuit 230-kV or a single-circuit 500-kV transmission line on lattice towers or steel monopoles. The two-mile portion of transmission facilities located in Mexico would be constructed, owned, operated, and maintained by a subsidiary of Sempra Energy Mexico, subject to permitting requirements in Mexico. The one-mile long transmission line proposed within the U.S. would be constructed by ESJ on private land. The entire electrical output of La Rumorosa (1250 MW derived from 260 to 300 turbines) would be dedicated to the U.S. market and delivered by ESJ. ESJ would connect to a new East County Substation that will be constructed by SDG&E south of the SWPL right-of-way near the community of Jacumba. ESJ has identified two routing/voltage alternatives for interconnection at the 230-kV or 500kV level of the East County Substation.

UPDATED INFORMATION

The NOI published on February 25, 2009 does not disclose that ESJ, which will transmit power generated by La Rumorosa, will rely upon the SPL or other transmission upgrade. This omission should be corrected, as ESJ is not able to exist independently, so that members of the public and interested parties may have direct and relevant information to provide scoping comments.

GENERAL COMMENTS

The County of San Diego, Land Use and Environment Group, has developed Guidelines for Determining Significance (Guidelines) that are used to assist in determining environmental impacts in the unincorporated portions of the County. The Guidelines provide mitigation options for addressing potentially significant impacts. Project environmental impacts that could have potentially significant adverse effects to the unincorporated County or County facilities should be evaluated and mitigated using the guidance described in the County’s Guidelines, available online at: www.sdcournty.ca.gov/dplu/Resource/3-procquid/3-procquid.html#guide.
CONNECTED ACTIONS

Projects that are considered "connected actions" under NEPA (40 C.F.R. 1508.25(a) (i)) include actions that: (i) are automatically triggered by the proposed action, (ii) cannot or will not proceed unless the proposed action occurs first or simultaneously, or (iii) are interdependent parts of a larger action and depend upon the larger action for their justification. The EIS should consider reasonably foreseeable significant effects which would be proximately caused by ESJ. Although the NOI on February 25, 2009 states that the project will connect to the SWPL, it does state that it will rely upon the SPL. Further, the March 19, 2008 Addendum to the Presidential Permit for ESJ states that the California Independent System Operator (CAISO) indicated that the SPL or other transmission upgrades is necessary to deliver energy from La Rumorosa. In preparing the EIR/EIS for the SPL, the California Public Utilities Commission (CPUC) and Bureau of Land Management (BLM) evaluated a range of projects to determine if they are so closely related to the SPL as to be considered "connected actions" under NEPA. They determined that La Rumorosa, including ESJ and associated transmission lines, is a "connected action" relative to the SPL project. The same should apply for the EIS for ESJ. Further the EIR/EIS for the SPL identified La Rumorosa as a potential indirect effect of the SPL, as La Rumorosa and ESJ cannot proceed unless the SPL is constructed.

Given that ESJ is the only means through which, based on current information, La Rumorosa would transmit power generated, ESJ is a "but-for" cause of La Rumorosa. ESJ and La Rumorosa are two links in the same chain. As a result, operation and impacts of La Rumorosa, including associated development, are effects of ESJ and should be analyzed by the EIS. For analysis under the EIS, available information on La Rumorosa, such as site plans showing turbine placement, roads, and other infrastructure and proposed turbine technology, should be included. The same is true for substations and other infrastructure that are connected actions to ESJ.

CUMULATIVE IMPACTS

The EIS should include an analysis of cumulative impacts from other connected actions, such as new substations, changes to existing substations, transmission lines, communication towers, and roads. The Jacumba Substation was also evaluated as a connected action by the SPL EIR/EIS, as it is required to interconnect generation from La Rumorosa to the CAISO transmission system via the SWPL. The La Rumorosa project was also analyzed by the EIR/EIS based on the CEQ Guidance on NEPA Analyses for Transboundary Impacts. SDG&E provided data on the East County Substation, new 69kV transmission line, communication tower required to interconnect La Rumorosa, and intent to rebuild and increase the size of the Boulevard Substation.

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3 Id.
Coordination with SDG&E would be helpful in assessing cumulative impacts from connected actions, as SDG&E controls final location and operation of the transmission system and substations related to ESJ and La Rumorosa in the U.S.

Cumulative impacts, including but not limited to those from the following, should be considered in preparing the EIS:

1. La Rumorosa;
2. New or expanded substations related to ESJ;
3. New or expanded transmission lines, including the Sunrise Powerlink, related to ESJ;
4. ESJ right-of-way for pipelines to import natural gas from Mexico to the U.S.;
5. Any other known or foreseeable projects, including renewable or other energy generation projects in the region (including in Mexico; Imperial County; San Diego County; and on federal lands (such as BLM));
6. East County MSCP Plan; and
7. County of San Diego General Plan Update.

Other projects that may rely upon ESJ for transmission of energy that are reasonably foreseeable should be included in the EIS. If there is foreseeable potential for the La Rumorosa project to generate more than 1250 MW of energy to be carried by ESJ, this should be included in the EIS. Further, Sempra has constructed a liquefied natural gas (LNG) import facility at Costa Azul, near Ensenada, Mexico. Pipelines from that facility run adjacent to the U.S.-Mexico border near the La Rumorosa and Mexicali regions, natural gas power plants exist along the Mexico and U.S. border area, transnational transmission lines cross from Mexico into Imperial County to deliver energy from Mexicali power plants to the U.S. market that is carried by the SWPL, and Sempra has demonstrated the intent to further develop natural gas from its LNG facility at Costa Azul, including new power plants in the region, and for use in the U.S.

To analyze potential environmental impacts of additional power generation that could be carried by a transmission line, agencies should be able to reasonably foresee the location of the additional power plants and method of generation.\textsuperscript{4} Sempra has publicly disclosed future plans to import natural gas from its LNG terminal at Costa Azul to the California market.\textsuperscript{5} La Rumorosa is located near Sempra’s natural gas infrastructure in Mexico and Sempra documents disclose new power plants and locations under construction, under bidding, and proposed for future bidding, and existing and future natural gas pipelines. Sempra has identified LNG as a major component in its corporate strategy.\textsuperscript{6} If no conditions are imposed on ESJ to limit power transmitted to that from La Rumorosa, it is foreseeable that ESJ could be used to carry power from

\textsuperscript{4} Final EIR/EIS, Sunrise Powerlink Project, October 2008, ES-33.
\textsuperscript{6} http://www.fxstreet.com/news/forex-news/article.aspx?Storyid=2edab5a8-33ad-47fe-86-e0-0c818e05ecd4
existing or planned natural gas power plants in Mexico to the U.S. The energy could be a fungible commodity. This needs to be addressed in the EIS and alternatives analysis, including imposition of a condition to require energy transmitted on ESJ to be from the 1250 MW La Rumorosa facility, which could limit additional impacts and use of ESJ.

In addition to major wind energy projects proposed within the McCain Valley area of BLM's Eastern San Diego County region, other wind energy projects are under consideration on private land within the County of San Diego and should be included in the EIS. Further, a presentation by Bates White at the 2008 Border Energy Forum XV, stated that a total of approximately 5020 MW from wind energy projects were in the CAISO controlled grid generation queue as of May 18, 2007. A table from that presentation, shown below, states that 4520 MW of potential wind power projects for California were in the La Rumorosa region, 1400 MW of which was attributed to Sempra. If it is foreseeable that other wind energy projects, including increased capacity from Sempra, could be transmitted through ESJ, this should be analyzed in the EIS. Cumulative impacts should be considered in the EIS, particularly as they may impact the County.

<table>
<thead>
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<th>Developer</th>
<th>Total MW</th>
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<th>GIPR Study Group</th>
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<tr>
<td>Sempra</td>
<td>1,400</td>
<td>La Rumorosa</td>
<td>Seismic Cluster</td>
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<td>Union Fenosa</td>
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<td>Transition Cluster</td>
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<tr>
<td>Others</td>
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<td>Transition Cluster</td>
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7 Wind energy resource development along the Baja California-U.S. Border: progress and potential hurdles, Nicolas Puga, Partner, Bates White, BORDER ENERGY FORUM XV, Monterrey, Nuevo Leon, Mexico, October 22–24, 2008.

8 Wind energy resource development along the Baja California-U.S. Border: progress and potential hurdles, Nicolas Puga, Partner, Bates White, BORDER ENERGY FORUM XV, Monterrey, Nuevo Leon, Mexico, October 22–24, 2008.
IDENTIFICATION OF NEED

Any new transmission corridors, such as ESJ, should include an analysis of demonstrated need, capacity, proposed locations, and wildfire risk.

1. Renewable energy projects in urban use areas that could be installed on existing or new buildings, projects, and structures should be considered in the alternatives analysis of the EIS.

2. The EIS should address whether there is intent to import renewable energy from other locations, such as Imperial County. If there is a documented preference to import renewable energy from Imperial County, as opposed to Mexico, the DOE should consider whether there is existing capacity within the system, in addition to, or in lieu of importing energy (renewable or non-renewable) from Mexico. This should be included in the alternatives analysis, particularly with the existing transborder transmission line in Imperial County.

3. If a need is identified, the EIS should set forth the specific region or urban area for which the additional energy is needed.

4. The EIS should address whether ESJ (including La Rumorosa), are being relied upon to meet state renewable energy goals, such as SB107. It should be clarified whether the need to meet renewable energy goals set by the federal or state government is creating the need for ESJ or if it is the need for energy in general (and for which geographic area).

CULTURAL RESOURCES

ESJ is located in an area known to have significant cultural resources. The EIS should conduct field surveys to evaluate the impacts of the project and connected actions on cultural resources. This would include impacts as a result of staging, construction, ground disturbance, roadways, operation, maintenance, and introduction of more human activity into this rural area. The survey would need to include record searches from the South Coastal Information Center and the Museum of Man.

RECREATION

ESJ and associated development would impact remote recreational experiences. ESJ is located in an area that has abundant public lands and parks available for active and passive recreational use, including hiking, birding, mountain biking, and glider use. This region has high scenic and recreational use qualities that should be protected and enhanced. As ESJ, including connected actions such as transmission lines, substations, infrastructure, and turbines, could impact recreation, so the EIS should evaluate impacts to recreational uses.
TRANSBORDER IMPACTS

As the land use authority for the unincorporated area of San Diego County, the County is concerned with potential adverse effects of ESJ, including connected actions in Mexico, to the extent that impacts may result in the County. As a result, the County would like to ensure that the EIS analyze any transboundary impacts that may affect the unincorporated region of the County. The Council for Environmental Quality (CEQ), charged with implementing NEPA, has stated that "NEPA requires agencies to include analysis of reasonably foreseeable transboundary effects of proposed actions in their analysis of proposed actions in the U.S."\(^9\) The CEQ has stated that such effects are best identified during the scoping stage and should be analyzed to the best of the agency's ability using reasonably available information in the EIS.\(^10\) NEPA requires analysis and disclosure in the EIS of significant impacts of federal actions on the human environment, including in the U.S. and other countries.\(^11\) The CEQ states that agencies "should be particularly alert to actions that may affect migratory species, air quality, watersheds, and other components of the natural ecosystem that cross borders, as well as to interrelated social and economic effects."\(^12\)

The EIS should include an analysis of impacts from connected actions in Mexico, such as La Rumorosa, to the extent that they may impact the County of San Diego. La Rumorosa and associated development in Mexico is a connected action to ESJ that will only occur if ESJ exists. The EIS should evaluate impacts to the environment and public health, particularly in the County, from the underlying and connected development in Mexico. The DOE may place conditions on the Presidential Permit that could minimize harm in the U.S., while recognizing Mexico's sovereignty.

COMMUNITY CHARACTER

The County is in the process of updating its General Plan, but intends for the area surrounding Jacumba, where ESJ is proposed, to remain rural in character. The General Plan Update Draft Maps designate the area as one dwelling unit per 80 acres. Introduction of ESJ and associated development could alter the character of the area. ESJ and related development projects proposed would need to be reviewed for consistency with the General Plan, codes, and ordinances. A Major Use Permit for facilities under the County's purview could not be issued unless the necessary findings of compatibility could be made.

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\(^10\) Id.


\(^12\) Council on Environmental Quality, Memorandum to Heads of Agencies on the Application of the National Environmental Policy Act to Proposed Federal Actions in the United States with Transboundary Effects, July 1, 1997.
ESJ relies upon the construction of a future 230/500-kV substation in the Jacumba region of the County. The introduction of industrial uses or intensification of any existing smaller scale industrial uses into an area that is currently undeveloped and planned to remain rural must be considered under the EIS. The growth inducing aspects of new industrial uses in an undeveloped area should be analyzed in the EIS, as well as impacts to the existing rural community character with wide and scenic vistas surrounded by many publicly owned and preserved lands, including those used for active and passive recreation.

In addition, additional infrastructure, such as roads, would likely be constructed along the ESJ transmission lines crossing the U.S.-Mexico border. Based on the information provided, it is not apparent how maintenance personnel will access lines crossing the border, but this should be analyzed in the EIS. Additional transmission lines and associated infrastructure, such as roads, substations, and expanded substations and facilities may adversely impact highly valued visual resources and rural community character with wide, panoramic vistas and open space.

**ENVIRONMENTAL JUSTICE**

The EIS should identify disproportionately high and adverse human health or environmental effects of ESJ on minority and low-income populations under NEPA.\(^{13}\) The EIS should analyze environmental effects, including human health, economic and social effects, of ESJ, including effects on minority communities and low-income communities. If a disproportionately high and adverse human health or environmental impact on minority or low-income populations is likely to result from the proposed action or alternatives, this should to be addressed in the EIS. The EIS should also identify potential effects and mitigation measures in consultation with affected communities, and improve the accessibility of meetings, crucial documents, and notices.\(^{14}\) Mitigation measures should include steps to avoid, mitigate, minimize, rectify, reduce, or eliminate impacts associated with ESJ. Mitigation measures identified in the EIS "should reflect the needs and preferences of affected low-income populations, minority populations, or Indian tribes to the extent practicable."\(^{15}\)

**AIRPORT SAFETY**

The EIS should review potential impacts of transmission lines, substations, and wind turbines on the operations of the Jacumba Airport for both flight safety and radio frequency interference. Please contact Eric Nelson, County Engineer of Airports, at 619-956-4825 to coordinate this review.

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\(^{15}\) Id.
VISUAL RESOURCES

ESJ and associated development in this region would allow for new facilities and infrastructure to provide for transmission of energy in a highly valued and scenic viewshed.

1. The EIS should fully evaluate potentially significant visual impacts on scenic natural resources from ESJ and connected actions, such as substations, infrastructure, towers, roads, transmission lines, wind turbines, vegetation clearance, and grading. In addition, ESJ and connected actions may detract from the rural community character of the surrounding area and could alter panoramic views of ridgelines, skyline, dark skies, and the undeveloped natural landscape. This could create an industrial character in an otherwise rural and natural landscape in the County of San Diego.

2. The EIS should analyze scenic view sheds and vistas that may be impacted by ESJ and connected actions. Visual impacts must be analyzed from significant view sheds and view points, and other scenic vistas, including from private residential areas in the County (such as those in Boulevard and Jacumba), public parks and recreational areas (such as Anza Borrego State Park, BLM lands, and Cleveland National Forest), public roads (such as I-8, Old Highway 80), and other areas offering scenic vistas.

3. As state above, ESJ and connected actions may have significant visual impacts on U.S. residents. The EIS should address potential social impacts under NEPA, including property values in the County, from ESJ and connected actions in the U.S. and Mexico, such as La Rumorosa.

4. Undergrounding transmission lines should be identified as a potential alternative that could minimize visual impacts.

5. ESJ and connected actions, such as La Rumorosa, should be sited to reduce or eliminate visual impacts when viewed from significant view sheds and view points, and other scenic vistas in the County (including public lands).

NOISE

ESJ and its associated development in this region, which is rural in character, could introduce noise impacts to the environment, which should be analyzed in the EIS. Impacts to be analyzed include, but are not limited to the following:

1. Corona noise from the ESJ transmission lines, noise generated from the East County Substation or expansion/revisions to the Boulevard Substation, and other development associated the project.
2. Construction noise, including noise from vehicular traffic.

3. Noise and vibrations generated by La Rumorosa, including wind turbines, vehicular traffic, construction, and potential blasting that may be felt within the County.

WILDFIRE AND FIRE PROTECTION

As ESJ is located in an area significantly prone to wildfire, within or in close proximity to unincorporated areas of the County and MSCP preserves, the EIS should evaluate potential increased hazards related to wildfire susceptibility. The highest priority should be given to public health and safety and the environment.

1. The EIS should address the ignition potential of ESJ and associated development, including transmission lines, construction, maintenance, and wind turbines in La Rumorosa.

2. The EIS should address increased hazard related to wildfire susceptibility. The proposed actions in Mexico and the U.S. could impact the County, as wildfire can easily cross from one country to the other with significant impacts to the environment, human life, and property.

3. The EIS should address the wildfire hazard from downed transmission lines or turbine failure. Wind turbines in a rugged and inaccessible area and limited ability of fire suppression crews to effectively fight fires hundreds of feet above ground should be addressed.

4. Undergrounding of transmission lines should be identified as a potential alternative in the EIS, if it would reduce wildfire hazards.

5. The EIS should analyze how wildfire fighting between U.S. and Mexican agencies could be coordinated to address the risks posed by ESJ and connected actions in the U.S. and Mexico, which could result in a significant potential impact to the environment, human life, and property of nearby communities in the County.

6. The EIS should address how the potential for increased human activity may increase potential for fire ignition.
PUBLIC HEALTH AND SAFETY

In addition to the wildfire concerns and issues raised above, there should be an analysis of impacts to public health and safety from ESJ and connected actions. The EIS should consider potential impacts to public health in the County as a result of increased air pollution. Impacts may include fugitive dust, PM10, NOx, CO, SO2, VOCs, and other toxic emissions from construction, vehicular traffic for construction, maintenance, decommissioning activities, and operation of ESJ and connected actions. Removal of vegetative cover would also result in increased dust and PM10 emissions, which should be assessed. The EIS should acknowledge that even if the source of such emissions originates in Mexico, it may impact the County.

WATER SUPPLY

The EIS should consider impacts to water resources from ESJ and connected actions.

1. The EIS should evaluate water requirements for ESJ and connected actions, which may require water for construction, operation, and maintenance. As water resources cross national boundaries, if large quantities of water are needed for concrete mixing on-site for each turbine for La Rumorosa, for example, the EIS should identify the water source. Will water come from surface sources, groundwater, or be trucked in? If water must be trucked in for construction or maintenance activities, the EIS should identify the source and potential impacts.

2. Potential impacts to groundwater basins within the U.S. should be considered, as groundwater is a shared resource and the sole water supply for many County residents. The EIS should evaluate the overall sustainability of potentially affected groundwater basins and impacts to species and habitats, including those in the U.S., as a result of groundwater use for ESJ or connected actions.

3. The EIS should address whether water will be needed to revegetate or restore natural habitat areas disturbed by construction, staging, maintenance, or operation of ESJ and connected actions and the source of such water.

GREENHOUSE GAS EMISSIONS/ CLIMATE CHANGE

The EIS should evaluate impacts from ESJ and connected actions on greenhouse gas emissions and climate change. This analysis should include greenhouse gas emissions from ESJ or connected actions in the U.S. and Mexico, as impacts would affect the County regardless of the origin. The alternatives analysis should also include renewable energy projects in urban use areas on existing or new buildings, projects, and structures with respect to greenhouse gas emissions and climate change.
In addition, unless the Presidential Permit for ESJ is specifically conditioned to only carry up to the 1250 MW of wind energy from La Rumorosa, then it is foreseeable that the ESJ transmission line could be utilized to transport energy from a natural gas fired power plant in Mexico. The resulting greenhouse gas emissions would also need to be considered by the EIS. If renewable energy imported from another country may be relied upon to meet state renewable energy goals, such as SB107, the EIS should analyze the impact on the environment and air quality, greenhouse gas emissions, and climate change from potential increased use of fossil fuel power in Mexico, if Mexico is exporting its renewable energy to the U.S. market. Such impacts could defeat the purpose of SB107 and may not result in an overall decrease in greenhouse gas emissions. This could also result in increased impacts to the County, as emissions from additional power plants in Mexico could increase greenhouse gas emissions, affect climate change, and adversely impact air quality and resources in the County.

**BIOLOGY**

ESJ and connected actions are proposed in an area that is recognized as having especially rare and ecologically sensitive biological resources, with interdependent ecosystems with a broad variety of sensitive, threatened, endangered, and narrow endemic plant and animal species. This region has many native species that only occur here due to the unique geologic history, as well. Impacts to areas designated as high biological value in the proposed East County Plan being developed by the County's Multiple Species Conservation Program (MSCP) Division should be addressed and consistency with the MSCP should be demonstrated. This includes impacts to a wide range of species that may be affected by ESJ and connected actions such as various bird and bat species, Flat-tailed horned lizard, Peninsular big horn sheep, and Quino checkerspot butterfly (Quino), along with plant species. The MSCP plans and proposed covered species may be found online at: [www.sdcounty.ca.gov/dplu/mscp/index.html](http://www.sdcounty.ca.gov/dplu/mscp/index.html).

In particular, the County is in the process of developing a preserve design for the East County Plan that is regional and binational in nature to protect sensitive habitat and species. A preliminary preserve design has been prepared for the East County Plan that incorporates regional habitat linkages and wildlife corridors, including across the border between the U.S and Mexico. The preliminary draft map is available at [www.sdcounty.ca.gov/dplu/mscp/ec.html](http://www.sdcounty.ca.gov/dplu/mscp/ec.html). As this process is underway, industrial development, new road construction, fencing, and land clearing could potentially impact conservation planning for this area. The County's MSCP plans that are in place or in preparation will address several hundred species of plants and animals that are already listed or have a high potential for being listed as endangered or threatened by state or federal wildlife agencies. ESJ and connected actions would result in a significant disruption to the completion and implementation of these plans and conservation process.

1. The EIS should analyze effects from construction, operation, maintenance, and decommissioning activities of ESJ and connected actions, such as La
Rumorosa, that may adversely affect wildlife through habitat reduction, alteration, or fragmentation; introduction of invasive vegetation; injury or mortality of wildlife; decrease in water quality from erosion and runoff; fugitive dust; noise; exposure to contaminants; and interference with behavioral activities. The location and timing of construction activities may affect migratory and other behavioral activities of some species.

2. ESJ will be within the planning area for the East County Plan and may impact the preserve design and ability of the County to meet goals and objectives of the program. Wildlife movement corridors and linkages within the County, along with those between the U.S. and Mexico, federal and state lands, and other counties are being considered and incorporated into the preserve design. The EIS should review impacts on wildlife movement to ensure that ESJ and connected actions will not preclude the East County Plan’s preserve design goals and objectives. In addition, the East County Plan is also incorporating findings from the Las Californias Binational Conservation Initiative, which promotes binational conservation and wildlife corridor and linkage connections between binational park areas.

3. The most recent data regarding species surveys, particularly following the 2007 wildfires should be reviewed for the EIS. For example, Quino has been found in new areas where it was not previously mapped following the 2007 wildfires. In addition, survey data from 2009 should also be considered in the EIS. As ESJ and connected actions are located within the vicinity of critical habitat for Quino, potential impacts to this species should be analyzed in the EIS.

4. The EIS should analyze impacts to species such as raptors (including Condor, Golden eagle), bats (including nursery colonies), and avian species (including nesting birds) from ESJ’s transmission lines, construction, staging, maintenance (including fuel modification/vegetation removal, tree trimming, etc.), roads, and other associated development and connected actions in Mexico that may impact species within the County or that migrate between the U.S. and Mexico.

5. The potential for non-native/invasive species introduction through the creation of new roads and construction activities from ESJ and connected actions should be addressed in the EIS, as invasive species can impact surrounding vegetation communities, not just disturbed areas of a project site.

6. The EIS should address the potential direct and indirect loss of plant species and habitat from construction activities, including impacts from dust that originates in the U.S. or Mexico and is transported across the border by ESJ or connected actions that could have a significant adverse impact on vegetation in the County.

7. The Recirculated FEIS for the SRPL stated that up to 7,500 acres of chaparral, pine forest, and desert communities may be impacted by La Rumorosa.
Permanent impacts to wildlife movement, which could impact species and conservation programs in the U.S. could be significant. Wildlife movement and habitat value may diminish significantly due to the amount of temporary and permanent vegetation removal, ground vibration, noise, and constant overhead movement of the turbines. To date, studies may not be available on wildlife movement for wind generation facilities with such a turbine concentration, but available information should be considered by the EIS.

8. The EIS should review potential impacts to ensure that ESJ and connected actions are consistent with the federal Endangered Species Act and Migratory Bird Treaty Act (MBTA). The EIS should ensure compliance with the MBTA, particularly as impacts in Mexico to migratory birds from connected actions could adversely affect species in the County.

9. There must be a full analysis of potential impacts, alternatives, and mitigation measures regarding electrocution or collision with transmission lines by birds, including large birds that may be electrocuted when touching two electrical conductors or a conductor and grounded wire, for ESJ and connected actions.

10. The EIS must provide a detailed analysis of potential impacts, alternatives, and mitigation measures of La Rumorosa's wind turbine interference with migratory and other behavior of wildlife, bird and bat strikes with turbines and associated infrastructure, electrocution of birds, noise, maintenance activities, exposure to contaminants, increased potential for fire, and increased predation on wildlife if perch sites for raptors are created.

11. The EIS should rely upon the California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development to minimize impacts to birds and bats from ESJ and connected actions in the U.S. and Mexico.¹⁶

**ALTERNATIVES/ MITIGATION MEASURES**

The EIS should consider the alternative of granting a conditional permit for the transmission lines linked to a commitment that La Rumorosa will comply with U.S. environmental standards and use best available technologies. The alternative of conditioning the project to carry only up to 1250 MW of wind energy from La Rumorosa must also be considered, which would reduce the future potential for ESJ to be used to import energy from power plants in Mexico, which would result in impacts to the environment, health, greenhouse gases, and climate change. Renewable energy projects in urban use areas on existing or new buildings, projects, and structures should also be reviewed as an alternative by the EIS. Reliance upon the California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development to minimize impacts to birds and bats from ESJ and connected actions in the U.S. and Mexico.

¹⁶Available at http://www.energy.ca.gov/windguidelines/index.html.
should be considered as an alternative, as this could be a condition to ESJ’s Presidential Permit. Other alternatives include relying upon existing roads to the maximum extent possible, when located in environmentally sound locations and if new access roads are necessary, they should be minimized and sited to avoid impacts. Other alternatives that the EIS should assess include an integrated pest management plan. The timing of construction activities to limit impacts on wildlife should also be considered under the alternatives analysis of the EIS. A fire management strategy to implement measures to minimize the potential for a human-caused fire should also be considered by the EIS.

ADDITIONAL CONCERNS/QUESTIONS

1. The EIS should address whether it is foreseeable that ESJ and/or associated infrastructure (such as roads, easements, and substations), will be utilized in the future to import or export energy, such as from LNG, natural gas, power plants, solar, wind, or other sources other than La Rumorosa or in quantities greater than those addressed by this ESJ’s environmental review. Agencies, organizations, and private citizens have expressed concern about the ESJ’s potential to be used to import power generated at power plants in Mexico, where air quality standards may not be as stringent in California, but which would still degrade the County’s air quality.

2. The EIS should state whether ESJ will be conditioned to carry only wind energy from La Rumorosa and, if so, how this would be regulated and enforced.

3. The County would like the benefit of reviewing maps that show specific locations of development proposed by ESJ and connected actions in the U.S. and, Mexico to better review potential impacts. It would be useful for this information to be assessed in the EIS, as well.

4. To adequately analyze impacts, the EIS should provide additional information on the status of La Rumorosa in Mexico, such as permit status, mitigation measures, site plans, biological reports, or other information relevant to ESJ. If this information is not yet available or the project has not yet gone through regulatory permitting and review, the DOE’s environmental review of ESJ should be postponed or conditioned, so that it does not receive a final approval, until La Rumorosa has been finalized.
September 3, 2008

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COMMENTS ON THE DEPARTMENT OF ENERGY (DOE) BAJA WIND U.S. TRANSMISSION ENVIRONMENTAL ASSESSMENT (DOE/EA-399)

The County of San Diego has received and reviewed the Federal Register notice for the Baja Wind U.S. Transmission Environmental Assessment (EA) dated August 4, 2008 and appreciates this opportunity to comment. While the County appreciates the need for renewable energy and supports efforts to diversify our energy supply with renewable energy projects, it is of the utmost importance that these projects are planned, located, and developed in a way that is sensitive to the County’s natural resources and communities. The County Department of Planning and Land Use (DPLU) and the County of San Diego, Department of Public Works (DPW) staff has completed its review and has the following comments regarding the content of the above documents:
IDENTIFICATION OF NEED

5. DOE should address whether there is a specific need for the energy to be developed at La Rumorosa and imported by Baja Wind’s transmission lines.

6. DOE should address whether there is intent to import renewable energy from other locations, such as Imperial County. If there is a documented preference to import renewable energy from Imperial County, as opposed to Mexico, the DOE should consider whether there is existing capacity within the system to import renewable energy from the Imperial Valley, in addition to, or in lieu of importing energy (renewable or non-renewable) from Mexico.

7. DOE should address whether Baja Wind or associated development may be used to meet state renewable energy goals, such as SB107, when the energy is generated outside of the U.S.

COMMUNITY CHARACTER

8. The County is in the process of updating its General Plan, but intends for the area surrounding Jacumba, where Baja Wind is proposed, to remain rural in character. The General Plan Update draft maps designate the area as one dwelling unit per 80 acres to maintain the rural character. Introduction of Baja Wind would substantially alter the character of the area and be inconsistent with the County’s planning goals.

VISUAL RESOURCES

9. Baja Wind and associated development in this region would allow for new facilities and infrastructure in a highly valued and scenic viewshed. The DOE should fully evaluate the potentially significant visual impacts from facilities and infrastructure associated with the energy development such as turbines, maintenance roads, and transmission lines on scenic natural resources. These facilities and infrastructure may detract from the rural community character of the surrounding area and could alter panoramic views of ridgelines, skyline, dark skies, and undeveloped natural landscape. These adverse visual impacts would result in an industrial character to an otherwise natural landscape.

10. Visual impacts from Baja Wind, La Rumorosa, and other associated development in the unincorporated area of the County, public lands and recreation areas (such as Anza Borrego State Park, Bureau of Land Management (BLM), Cleveland National Forest), and private residential areas (such as Boulevard and Jacumba), public roads (such as Interstate 8, Old Highway 80), and other areas with scenic vistas must be addressed in the EIS.
AIR QUALITY

19. A comprehensive air quality analysis should be provided to assess potential increases in air pollution, such as PM10 levels from dust during construction, operation, and maintenance and any other air quality issues that could affect persons living in the U.S.

WATER SUPPLY

20. DOE should consider impacts to water resources based on the water requirements of Baja Wind. Groundwater is the primary source of water in the eastern two-thirds of the County and is the sole water supply for unincorporated residents. The DOE should fully evaluate the adequacy of the water supply to support the proposed actions and should include an evaluation of the overall sustainability of potentially affected groundwater basins.

21. DOE should address whether water will be needed to revegetate or restore areas disturbed by construction, staging, maintenance, or operation of Baja Wind and associated development to natural habitat. Revegetation programs could require irrigation until plantings have been established.

BIOLOGY

1. Baja Wind and associated development is proposed in an area that is recognized as especially rare and ecologically sensitive, with interdependent ecosystems with a broad variety of sensitive, threatened, endangered, and narrow endemic plant and animal species. This region has many native species that only occur in this area due to the unique geologic history.

2. Baja Wind may result in significant adverse effects to land purchased by the County for conservation and recreational purposes, which could jeopardize the County’s planning efforts to establish the East County Multiple Species Conservation Program (ECMSCP) Plan. The portion of the transmission line on the U.S. side of the border proposed on private property under the jurisdiction of the County should be subject to planning requirements associated with the County’s General Plan Update and the ECMSCP.

3. The DOE should demonstrate consistency with the County’s existing and proposed MSCP plans. Impacts to species covered under the South County Subarea Plan or proposed for coverage under the North County or East County MSCP Plans should be analyzed. Significant, unmitigable impacts to a wide range of species such as various bird and bat species, flat-tailed horned lizard, Peninsular big horn sheep, and the Quino checkerspot butterfly (Quino) may result from Baja Wind and associated development. The MSCP plans and/or
organizations such as USGS, USFWS, San Diego Zoo, Pronatura of Mexico. For example, Quino has been found in new areas where it was not previously mapped after the 2007 wildfires. As Baja Wind is located within the vicinity of Quino critical habitat, seasonal surveys should be done and existing data incorporated in the review of potential impacts from Baja Wind, as industrial uses, including transmission lines and turbines, could have significant adverse impacts to species such as Quino.

9. DOE should analyze the potential for non-native/invasive species introduction through the creation of new roads and construction activities from Baja Wind and associated development, including La Rumorosa. If the portion of Baja Wind and associated development in Mexico has the potential to increase the introduction of non-native/invasive species into the County, this must also be considered an impact from the proposed action that could adversely affect sensitive vegetation communities in the U.S.

10. DOE should assess the potential direct and indirect loss of plant species and habitat from construction activities, including impacts from dust that originates in Mexico but is transported to the U.S. by Baja Wind or associated development, that could have a significant adverse impact on vegetation.

11. The Recirculated FEIS for the SRPL stated that up to 7,500 acres of chaparral, pine forest, and desert communities may be impacted by La Rumorosa. Permanent impacts to wildlife movement, which could impact species and conservation programs within the U.S. could be significant. Wildlife movement and habitat value may diminish significantly due to the amount of temporary and permanent vegetation removal, ground vibration, noise, and constant overhead movement of the turbines. Studies available to date on wildlife movement within wind generation facilities for such a concentration of turbines should be considered in the review of Baja Wind.

12. Cumulative impacts on plant and animal species from the potential increase in wind energy development in the area, including the San Diego County region (such as BLM and tribal land), should also be considered.

CUMULATIVE IMPACTS

13. Based on information submitted by the DOE, Baja Wind's transmission lines will require new substations in the U.S. and Mexico. Baja Wind is being proposed solely to transport wind energy generated by La Rumorosa in Baja California, Mexico to the U.S. As impacts from substations and La Rumorosa are closely linked to Baja Wind, they should be part of the Baja Wind analysis.

14. The DOE should consider the cumulative impacts from other energy development projects and associated actions, including but not limited to the
22. The EIS should clearly identify where proposed project's access roads would require a new driveway along County maintained public roads.

23. The EIS should provide an operational assessment (e.g. sight distance) for any new driveways/access points created by the project along County maintained public roads.

24. For the proposed project and all future system expansions, SDG&E should consider impact thresholds for roads operating at Level of Service (LOS) F.

25. The EIS should clearly identify where transmission lines would traverse existing and planned County roads. The construction of transmission lines should not preclude the planned future construction of the County Circulation Element roads.

26. SDG&E should follow all regional standards regarding construction within the County right of way and ensure that the DPW road cut policy would be observed.

ADDITIONAL CONCERNS/QUESTIONS

27. DOE should address whether it is foreseeable that the Baja Wind transmission lines and/or associated infrastructure (such as roads, easements, and/or substations), could be utilized in the future to import or export energy other than the wind energy produced at La Rumorosa. The DOE should address other potential energy that could be imported through Baja Wind from LNG, natural gas, power plants, solar, wind, or generation at La Rumorosa in the quantities above what is set forth by this project and the environmental review. Agencies, organizations, and members of the public have expressed concern about Baja Wind's potential to be used to import power generated at power plants in Mexico, where air quality standards are not as stringent as California, but which would degrade air quality in the U.S. It also appears that Sempra's LNG pipeline would run through the La Rumorosa project area, increasing the potential for other sources of energy to be imported into the US through the Baja Wind transmission lines.

28. DOE should clarify whether importation of renewable energy from Mexico through Baja Wind is eligible for credit by the California Renewables Portfolio Standard Program and whether greenhouse gas emission credits or off-sets for the wind energy generation outside of the U.S. will be granted as a result.

29. DOE should clarify the area to which Baja Wind will be supplying energy (such as the Los Angeles area, San Diego area, both, etc.).
September 3, 2008

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Washington, DC 20585-0350

COMMENTS ON THE DEPARTMENT OF ENERGY (DOE) BAJA WIND U.S. TRANSMISSION ENVIRONMENTAL ASSESSMENT (DOE/EA-399)

The County of San Diego has received and reviewed the Federal Register notice for the Baja Wind U.S. Transmission Environmental Assessment (EA) dated August 4, 2008 and appreciates this opportunity to comment. While the County appreciates the need for renewable energy and supports efforts to diversify our energy supply with renewable energy projects, it is of the utmost importance that these projects are planned, located, and developed in a way that is sensitive to the County’s natural resources and communities. The County Department of Planning and Land Use (DPLU) and the County of San Diego, Department of Public Works (DPW) staff has completed its review and has the following comments regarding the content of the above documents:
GENERAL COMMENTS

1. The County of San Diego, Land Use and Environment Group has developed Guidelines for Determining Significance that are used as guidance for determining the significance of environmental impacts in the unincorporated portions of the County of San Diego. The Guidelines also provide mitigation options for addressing potentially significant impacts. Project impacts that could have potentially significant adverse effects to the unincorporated County or County facilities, should evaluate and mitigate environmental impacts using the guidance described in the County of San Diego Guidelines for Determining Significance, available online at: http://www.sdcounty.ca.gov/dplu/Resource/3-procguid/3–procguid.html#guide.

2. The County requests that an Environmental Impact Statement (EIS) be prepared, rather than an EA due to the significant direct and indirect environmental effects raised by the project and related actions. A request for an EIS was also formally made at the public scoping meeting on August 26, 2008 in Jacumba by DPLU Multiple Species Conservation Program (MSCP) staff.

3. Under the National Environmental Protection Act (NEPA), preparation of an EA should cease in favor an EIS based on the significant impacts and effects of Baja Wind. The EIS must evaluate the current conditions and assess direct, indirect, and cumulative impacts and effects of the construction, operation, and maintenance of Baja Wind under NEPA. An EIS should be prepared because of the significant direct and indirect environmental effects to biological, cultural, and visual resources; community character; panoramic views of ridgelines, skylines, and natural landscapes; dark skies, and wildfire hazards. An EIS should be prepared to assess the full environmental implications of the project, including project alternatives, and cumulative impacts with opportunity for public comment on a more complete review of Baja Wind, including associated development.

4. The County recently provided a comment letter on the Recirculated EIS for the Sunrise Powerlink (SRPL) project proposed by San Diego Gas and Electric (SDG&E). The EIS for the SRPL was recirculated, in part, due to new information on La Rumorosa Wind Energy Development Project (La Rumorosa), for which Baja Wind is proposing to transport energy. If Baja Wind is dependent upon the SRPL, the County requests a delay in review of Baja Wind until a decision is rendered on the SRPL. If the SRPL or other transmission upgrade, aside from Baja Wind, is required for La Rumorosa, this should be disclosed and fully considered prior to proceeding further in the review of Baja Wind.
IDENTIFICATION OF NEED

5. DOE should address whether there is a specific need for the energy to be developed at La Rumorosa and imported by Baja Wind's transmission lines.

6. DOE should address whether there is intent to import renewable energy from other locations, such as Imperial County. If there is a documented preference to import renewable energy from Imperial County, as opposed to Mexico, the DOE should consider whether there is existing capacity within the system to import renewable energy from the Imperial Valley, in addition to, or in lieu of importing energy (renewable or non-renewable) from Mexico.

7. DOE should address whether Baja Wind or associated development may be used to meet state renewable energy goals, such as SB107, when the energy is generated outside of the U.S.

COMMUNITY CHARACTER

8. The County is in the process of updating its General Plan, but intends for the area surrounding Jacumba, where Baja Wind is proposed, to remain rural in character. The General Plan Update draft maps designate the area as one dwelling unit per 80 acres to maintain the rural character. Introduction of Baja Wind would substantially alter the character of the area and be inconsistent with the County's planning goals.

VISUAL RESOURCES

9. Baja Wind and associated development in this region would allow for new facilities and infrastructure in a highly valued and scenic viewed. The DOE should fully evaluate the potentially significant visual impacts from facilities and infrastructure associated with the energy development such as turbines, maintenance roads, and transmission lines on scenic natural resources. These facilities and infrastructure may detract from the rural community character of the surrounding area and could alter panoramic views of ridgelines, skyline, dark skies, and undeveloped natural landscape. These adverse visual impacts would result in an industrial character to an otherwise natural landscape.

10. Visual impacts from Baja Wind, La Rumorosa, and other associated development in the unincorporated area of the County, public lands and recreation areas (such as Anza Borrego State Park, Bureau of Land Management (BLM), Cleveland National Forest), and private residential areas (such as Boulevard and Jacumba), public roads (such as Interstate 8, Old Highway 80), and other areas with scenic vistas must be addressed in the EIS.
11. Undergrounding transmission lines should be identified as the preferred option to minimize visual impacts.

RECREATION

12. Baja Wind is located in an area of the County with a variety of recreational uses including public lands and parks available for active and passive recreational use. As a result, Baja Wind and any other related transmission lines, substations, associated infrastructure, and turbines could impact the recreational experiences in this region and should be fully evaluated in the EIS.

WILDFIRE AND FIRE PROTECTION

13. Baja Wind and associated development are located in an area significantly prone to wildfire, within or in close proximity to unincorporated areas of the County and MSCP preserves. As a result, the DOE should fully evaluate the potential increased wildfire hazards related from the proposed actions. The highest priority should be given to public health, safety, and the environment.

14. DOE should address the ignition potential that the wind turbines of La Rumorosa pose, which appear to be proposed in a rugged and inaccessible area, limiting the ability of fire suppression crews to effectively fight fires hundreds of feet above ground. There should be an analysis of how combating wildfire would be coordinated between the U.S. and Mexico based on Baja Wind and associated development, which could result in a significant potential impact to the environment, life, and property of nearby communities.

15. Wildfire analysis must assess the increased hazard related from the proposed actions in Mexico that could impact the U.S., as wildfire can easily cross from Mexico into the U.S., significantly impacting the County.

16. The environmental review of Baja Wind should address how maintenance personnel will access transmission lines crossing the border and how impacts from maintenance, including roadways, could have on wildfire risk and increased trespass (which could increase wildfire risk).

17. DOE should address the wildfire hazard from downed transmission lines or turbine failure.

18. The undergrounding of transmission lines should be identified as a potential alternative if wildfire hazards would be reduced by such action.
AIR QUALITY

19. A comprehensive air quality analysis should be provided to assess potential increases in air pollution, such as PM10 levels from dust during construction, operation, and maintenance and any other air quality issues that could affect persons living in the U.S.

WATER SUPPLY

20. DOE should consider impacts to water resources based on the water requirements of Baja Wind. Groundwater is the primary source of water in the eastern two-thirds of the County and is the sole water supply for unincorporated area residents. The DOE should fully evaluate the adequacy of the water supply to support the proposed actions and should include an evaluation of the overall sustainability of potentially affected groundwater basins.

21. DOE should address whether water will be needed to revegetate or restore areas disturbed by construction, staging, maintenance, or operation of Baja Wind and associated development to natural habitat. Revegetation programs could require irrigation until plantings have been established.

BIOLOGY

1. Baja Wind and associated development is proposed in an area that is recognized as especially rare and ecologically sensitive, with interdependent ecosystems with a broad variety of sensitive, threatened, endangered, and narrow endemic plant and animal species. This region has many native species that only occur in this area due to the unique geologic history.

2. Baja Wind may result in significant adverse effects to land purchased by the County for conservation and recreational purposes, which could jeopardize the County’s planning efforts to establish the East County Multiple Species Conservation Program (ECMSCP) Plan. The portion of the transmission line on the U.S. side of the border proposed on private property under the jurisdiction of the County should be subject to planning requirements associated with the County’s General Plan Update and the ECMSCP.

3. The DOE should demonstrate consistency with the County’s existing and proposed MSCP plans. Impacts to species covered under the South County Subarea Plan or proposed for coverage under the North County or East County MSCP Plans should be analyzed. Significant, unmitigable impacts to a wide range of species such as various bird and bat species, flat-tailed horned lizard, Peninsular big horn sheep, and the Quino checkerboard butterfly (Quino) may result from Baja Wind and associated development. The MSCP plans and/or...
proposed sensitive and covered species lists may be found online at: www.sdcoun ty.ca.gov/mscp/index.html.

4. The County is preparing the ECMSCP that includes 153 sensitive species and vegetation communities. The County is also preparing a preliminary preserve design that includes important linkages to the sensitive areas that may be impacted by Baja Wind’s transmission lines and associated development, including wind energy development. The ECMSCP Plan is in the habitat/species modeling phase and a preserve design has not been developed. The County would like to coordinate with the DOE to protect and enhance habitat for Peninsular big horn sheep and Quino, as well as 153 sensitive species proposed for coverage under the Plan (see www.sdcoun ty.ca.gov/dclu/mscp/ec_species.html). Baja Wind and associated industrial development, road construction, fencing, land clearing, and turbines could potentially impact conservation planning for this area.

5. Wildlife movement corridors and linkages within the County, along with those between the U.S. and Mexico, federal and state lands, and other counties are being considered and incorporated into the preserve design for the ECMSCP. The preserve design will be regional and binational in nature to protect sensitive habitat and species, promoting binational conservation and wildlife corridor linkage connections. This information should be considered by the DOE in reviewing Baja Wind, including impacts to wildlife movement and mitigation measures.

6. DOE should review the potential direct and indirect impacts to plant and animal species and/or their habitat, including but not limited to the Peninsular big horn sheep, Quino, Barefoot banded gecko, raptors (such as Condor, Golden eagle), bats (including nursery colonies), and avian species (including of nesting birds) from Baja Wind’s transmission lines, construction, staging, maintenance (including grading, fuel modification/vegetation removal, tree trimming, etc.), roads, and other associated development, including wind turbines and associated activities in Mexico that may impact species within the U.S. or that migrate between the two countries. The analysis should incorporate the best scientific data available from both the U.S. and Mexico to adequately assess impacts to the U.S., particularly as species rely on habitat from and migrate between both countries.

7. Some species, such as Quino and Peninsular bighorn sheep, have critical habitat within the vicinity of Baja Wind. The U.S. Fish and Wildlife Service (USFWS) is reviewing the critical habitat of Peninsular big horn sheep, so DOE should consider any such new information.

8. DOE should incorporate information from any new species surveys, particularly following the 2007 wildfires, that have been performed by agencies and
organizations such as USGS, USFWS, San Diego Zoo, Pronatura of Mexico. For example, Quino has been found in new areas where it was not previously mapped after the 2007 wildfires. As Baja Wind is located within the vicinity of Quino critical habitat, seasonal surveys should be done and existing data incorporated in the review of potential impacts form Baja Wind, as industrial uses, including transmission lines and turbines, could have significant adverse impacts to species such as Quino.

9. DOE should analyze the potential for non-native/invasive species introduction through the creation of new roads and construction activities from Baja Wind and associated development, including La Rumorosa. If the portion of Baja Wind and associate development in Mexico has the potential to increase the introduction of non-native/invasive species into the County, this must also be considered an impact from the proposed action that could adversely affect sensitive vegetation communities in the U.S.

10. DOE should assess the potential direct and indirect loss of plant species and habitat from construction activities, including impacts from dust that originates in Mexico but is transported to the U.S. by Baja Wind or associated development, that could have a significant adverse impact on vegetation.

11. The Recirculated FEIS for the SRPL stated that up to 7,500 acres of chaparral, pine forest, and desert communities may be impacted by La Rumorosa. Permanent impacts to wildlife movement, which could impact species and conservation programs within the U.S. could be significant. Wildlife movement and habitat value may diminish significantly due to the amount of temporary and permanent vegetation removal, ground vibration, noise, and constant overhead movement of the turbines. Studies available to date on wildlife movement within wind generation facilities for such a concentration of turbines should be considered in the review of Baja Wind.

12. Cumulative impacts on plant and animal species from the potential increase in wind energy development in the area, including the San Diego County region (such as BLM and tribal land), should also be considered.

CUMULATIVE IMPACTS

13. Based on information submitted by the DOE, Baja Wind’s transmission lines will require new substations in the U.S. and Mexico. Baja Wind is being proposed solely to transport wind energy generated by La Rumorosa in Baja California, Mexico to the U.S. As impacts from substations and La Rumorosa are closely linked to Baja Wind, they should be part of the Baja Wind analysis.

14. The DOE should consider the cumulative impacts from other energy development projects and associated actions, including but not limited to the
Sunrise PowerLink, Baja Wind and associated development in Mexico, La Rumorosa, the DOE/Bureau of Land Management (BLM) Solar PEIS, the BLM South Coast Resource Management Plan (RMP) Revision, and the BLM Eastern San Diego County Proposed RMP Revision.

TRAFFIC AND TRANSPORTION

15. The DOE should indicate if the proposed project will result in temporary construction impacts to several County maintained roads. The temporary impacts include road and lane closures, disruption to pedestrian and bike circulation, elimination of parking spaces, road damage, added traffic to LOS E/F roads, and access restrictions to properties and businesses. It should be noted that road and lane closures along County Circulation Element roads should be avoided.

16. The DOE should indicate if the proposed project could result in temporary road and closures during construction. The EIS should more clearly identify which County Circulation Element roads may be subject to a potential road and lane closure. For example, Old Highway 80 appears to be near the project area and could be impacted by the future transmission system expansion. The EIS should disclose impacts caused by temporary road and lane closures and should clearly identify which County Circulation Element roads could be subject to road and lane closures.

17. SDG&E should coordinate very closely with the County's DPW Traffic staff in the development of the following types of plans: 1) Construction Transportation Plans; 2) Transportation Management Plans; and 3) Traffic Control Plans. On a project-by-project basis, the plans should attempt to ensure that all feasible measures are implemented to minimize the project's significant traffic impacts to the extent possible.

18. The construction impact plan should identify the length of the potential road and lane closures and feasible alternate routes.

19. For any overhead crossings, SDG&E must obtain the proper traffic control permits and encroachment permits for work conducted along County maintained roads.

20. For any underground running of transmission lines within the public right of way, SDG&E will have to provide detailed traffic control plans tied to encroachment permits that detail how the roads will stay in operation simultaneously with the installation of undergrounding work.

21. The EIS should include discussion of potential construction of access roads. The EIS should identify where the proposed access roads would traverse and/or connect to County maintained public roads.
22. The EIS should clearly identify where proposed project’s access roads would require a new driveway along County maintained public roads.

23. The EIS should provide an operational assessment (e.g. sight distance) for any new driveways/access points created by the project along County maintained public roads.

24. For the proposed project and all future system expansions, SDG&E should consider impact thresholds for roads operating at Level of Service (LOS) F.

25. The EIS should clearly identify where transmission lines would traverse existing and planned County roads. The construction of transmission lines should not preclude the planned future construction of the County Circulation Element roads.

26. SDG&E should follow all regional standards regarding construction within the County right of way and ensure that the DPW road cut policy would be observed.

ADDITIONAL CONCERNS/QUESTIONS

27. DOE should address whether it is foreseeable that the Baja Wind transmission lines and/or associated infrastructure (such as roads, easements, and/or substations), could be utilized in the future to import or export energy other than the wind energy produced at La Rumorosa. The DOE should address other potential energy that could be imported through Baja Wind from LNG, natural gas, power plants, solar, wind, or generation at La Rumorosa in the quantities above what is set forth by this project and the environmental review. Agencies, organizations, and members of the public have expressed concern about Baja Wind’s potential to be used to import power generated at power plants in Mexico, where air quality standards are not as stringent as California, but which would degrade air quality in the U.S. It also appears that Sempra’s LNG pipeline would run through the La Rumorosa project area, increasing the potential for other sources of energy to be imported into the US through the Baja Wind transmission lines.

28. DOE should clarify whether importation of renewable energy from Mexico through Baja Wind is eligible for credit by the California Renewables Portfolio Standard Program and whether greenhouse gas emission credits or off-sets for the wind energy generation outside of the U.S. will be granted as a result.

29. DOE should clarify the area to which Baja Wind will be supplying energy (such as the Los Angeles area, San Diego area, both, etc.).
30. DOE should explicitly state whether the Baja Wind project, if approved, will be conditioned to transmit only wind energy and, if so, how such a condition would be regulated and enforced.

31. DOE should provide maps that show specific locations of the development proposed by Baja Wind, La Rumorosa, and other associated actions in the U.S. and Mexico for review of potential impacts in the U.S. For example, the footprint, acreage, and location for the Jacumba substation, La Rumorosa, and any other development or infrastructure associated with or required by the Baja Wind project, should be provided for review of potential impacts.

32. DOE should provide an overview of the permitting of the Mexican portion of Baja Wind’s transmission lines, substation, infrastructure, and associated La Rumorosa wind farm and associated environmental impacts analysis performed by the Mexican government.

The County of San Diego appreciates the opportunity to participate in the environmental review process for this project. We look forward to receiving future environmental documents related to this project, the Environmental Assessment for review, or providing additional assistance at your request. If you have any questions regarding these comments, please contact Terri Foster at (858) 594-8911.

Sincerely,

ERIC GIBSON, Director
Department of Planning and Land Use

cc: Jennifer Stone, Policy Advisor, Board of Supervisors, District 2 (via email)  
Vince Nicoletti, CAO Staff Officer, DCAO (via email)  
Francisco “Nick” Ortiz, Department of Public Works, Transportation Division, (via email)  
Jennifer Campos, Land Use/Environmental Planner, Department of Planning and Land Use (via email)  
Priscila Jaszkwia, Administrative Secretary, Department of Planning and Land Use, MS 0650
September 2, 2008

Mrs. Ellen Russell
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0350

Re: Notice of Intent To Prepare an EA on Presidential Permit For Transmission Line between La Rumorosa, Mexico and Jacumba, CA.

Dear Mrs. Russell,

We feel very strongly that an Environmental Assessment (EA) is not adequate for a project that has so many potential negative environmental impacts...a complete Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is required under CEQA and NEPA.

Because the large wind turbine project proposed for La Rumorosa, Mexico, depends on the construction of this transmission line, and the negative impacts of the La Rumorosa project will affect the residents and wildlife on the American side of the border, these effects must be taken into account in determining the suitability of an EA or an EIR/EIS.

Additionally, the construction of the La Rumorosa Project, according to statements made by a SDG&E spokesman, will make the construction of the Sunrise Powerlink mandatory. Therefore the negative environmental impacts of the Sunrise Powerlink must be taken into account in determining the justification for an EA instead of an EIR/EIS.

The construction of this transmission line will make an 80 acre substation in Jacumba necessary. It will be a large industrial operation with a 300,000 gallon water tank. This is totally unsuitable in a quiet, rural community like Jacumba. The large transmission towers (and wind turbines) will ruin the beautiful scenic views for the residents. Construction of roads to build and maintain the transmission lines will damage the fragile land and threaten endangered species of animals, birds, insects, and reptiles. Lights on the transmission towers and the substation will negatively affect dark night skies. Downed transmission lines can start devastating wildfires in our arid backcountry. This transmission line will be built in a low-income area and have serious environmental consequences - Environmental Justice must be determined.

We are not certain if it is a coincidence that the La Rumorosa Wind Energy Project is being built (or proposed) for an area where the Liquified Natural Gas (LNG) pipelines run. We understand that waterlines are currently being installed in the same area. We feel that this is perhaps an attempt by Sempra to
page 2

pre-approve a transmission line for “green energy” when the real goal is a power plant to burn LNG. The LNG that Sempra imports is highly polluting and would certainly have negative effects on California residents.

Because this short transmission line is critical for the completion of other projects it will have very serious cumulative negative impacts on eastern San Diego County. We cannot understand the position that the DOE is taking that an EA is sufficient to determine the total environmental impacts of this transmission line. Please reconsider your decision and do a complete EIR/EIS.

Sincerely,

[Signatures]
Barbara Chamberlain, Chairman  Robin M. Simmons, Vice-chairman

The Committee For Responsible Growth
25607 Potrero Valley Road
Potrero, CA 91963
----- Original Message -----
From: Raymond Lutz [mailto:raylutz@citizensoversight.org]
Sent: Friday, August 22, 2008 1:49 PM
To: Russell, Ellen
Cc: powerlink@citizensoversight.org
Subject: Baja Wind U.S. Transmission Environmental Assessment (DOE/EA-399)

Dear Ms. Russell:

Regarding the EA, entitled Baja Wind U.S. Transmission Environmental Assessment (DOE/EA-399)

This transmission line is based on the viability of the La Rumorosa Wind Energy Project. The statement in the Federal Register says:

The scoping meetings will provide interested parties the opportunity to view proposed project exhibits, ask questions, and comment on the EA scope.

However, at the recent workshop, no one was there who could answer questions about the area required by the wind energy component.

Supplemental information says:

The entire electrical output of the La Rumorosa Project (1250 megawatts, approximately 260 to 300 turbines) would be dedicated to the U.S. market and delivered using the proposed international transmission line. The EA will only consider impacts that occur inside the United States.

This is in variance with the recirculated draft EIR for the Sunrise Powerlink that says it will require 500 turbines of 2MW and 3MW. There is no example of a wind farm of only 260 to 300 turbines that can produce 1250 MW. For example, the London Array wind farm will have a 1000 MW capacity using 341 3MW and 7MW turbines, located offshore over 57,600 acres (90 square miles), or 169 acres each. You can compare this with the 7500 acres and you will see that there is no way they can build such a wind energy plant on 7500 acres.

Our review of the La Rumorosa project finds that the project is irrational, that is, the number of acres dedicated to the wind farm would support only about 1/6th the power output that is claimed, and therefore, the size of the transmission line required is vastly smaller.

Because of these deficiencies in the proposal, we request that a full EIS procedure be employed, and the applicant sent back to rewrite their
proposal as it is based on inflated figures with regard to the size of the wind farm, and therefore, the size of the transmission line required.

Please have the wind energy expert available to answer questions at this event described below. I would appreciate confirmation that such an expert will be available to answer questions of that nature. Please do so by email or telephone listed at the bottom.

Public scoping meetings will be held on August 26, 2008, from 1 p.m. to 3 p.m., and again from 5 p.m. to 7 p.m., at the Jacumba Highland Center, 44681 Old Highway 80, Jacumba, California.

My comments previously submitted to the SRPL are applicable to this project and are attached. Please apply these comments to this project also.

-- Ray Lutz

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Raymond Lutz, Coordinator
Citizens' Oversight Projects (COPs)
P.O. Box 252
El Cajon (San Diego Cty), CA 92022 USA
Voice 619-820-5321
http://www.CitizensOversight.org

Contribution regarding the RWEP.pdf
CONTRIBUTION TO THE RECIRCULATED DRAFT EIR FOR THE SUNRISE POWERLINK

Raymond Lutz
Citizens' Oversight Projects (COPs)
Candidate, 77th State Assembly District
Office: 1010 Old Chase Ave, Suite W, El Cajon, CA 92020
619-447-3246 Cell: 619-820-5321
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raylutz@LutzForAssembly.com

BACKGROUND
The Sunrise Powerlink Draft EIR has been recirculated for comments from the public. The primary reason for this additional review is that the La Rumorosa Wind Energy Project (RWEP) has been increased in capacity to 1250 MW, and it is now claimed that the Sunrise Powerlink is necessary to accommodate that power. The applicant claims that they intend to place 500 to 600 large (2.1 MW) wind turbines on an area of 7,500 acres, just south of the border near the town of Jacumba in the US and La Rumorosa in Mexico.

COMMENTS AND QUESTIONS
As described below, it is irrational to place 500 large turbines in the 7,500 acre area.

According to their document:
The turbines would be mounted on enclosed tubular towers. The total height of the turbine and tower structures would likely range from 380 to 440 feet depending on the turbine size, elevation, and topography at each tower location. The rotor-diameter would be approximately 300 feet for a 2 MW turbine and up to 340 feet for a 3.6 MW turbine.

Siting and spacing of wind turbines depends on site-specific conditions that are influenced by terrain and wind conditions. The ultimate location of turbines would be determined after a detailed analysis of the terrain and wind in the La Rumorosa areas. Turbines would likely be located on ridge-tops and in some areas with sufficient upwind space, multiple rows of turbines could be used. The wake of upwind turbines can substantially diminish the velocity and increase the turbulence at downwind turbines. Where the rows are sufficiently spaced, the losses can be minimized. This project would space the turbines in rows between 8 to 10 rotor-diameters apart.

It is clear from this description that they have not identified the "ridge tops" where the turbines can be located.

- Using their figures and assuming nearly optimal packing, the turbines must be separated by about 300 ft x 10 = 3000 ft.
- Assuming five diameter spacing as optimal between each turbine, that is 1500 ft.
- Total area for a single turbine is 3000 x 1500 ft = 102 acres.
- This correlates with the separation needed in other wind farms.
  - Biglow Canyon Wind Farm in Sherman County, Oregon is designed for a 450 MW capacity with 225 Turbines over 25,000 acres. The space required for each turbine is 111 acres.
  - Desert Sky Wind Farm, 160 MW using 107 turbines on 9600 acres, or 90 acres each.
  - Fowler Ridge Wind Farm, 750 MW using 222 1.5MW turbines over 38,400 acres, or 173 acres each. Minimum spacing by design is 58 to 74 acres, but terrain is similar to that in the La Rumorosa area and as a results, density was limited to one turbine every 173 acres. (When completed, this will be the largest wind farm in the nation.)
  - Horse Hollow Wind Energy Center in Nolan County, Texas, 736 MW using 421 1.5MW and 2.3 MW turbines over 47,000 acres, or 111 acres each. This is currently, the largest wind farm in the US
– and the largest in the world
  ○ London Array wind farm, 1000 MW using 341 3MW and 7MW turbines, located offshore over 57,600 acres (90 square miles), or 169 acres each. There is no terrain issues on this project.
  ● whereas the RWEP is supposed to take only 7,500 acres (less than 12 square miles) implying only 15 acres per turbine.
  ● This proposal would be one of the largest wind farms on earth, and would be unique in that it is able to very tightly space the wind turbines. Given the terrain of that area, it is unlikely that they can site 500 turbines within a 12 square mile area.
  ● According to general guidelines, “Where land area is sufficient, turbines are spaced three to five rotor diameters apart perpendicular to the prevailing wind, and five to ten rotor diameters apart in the direction of the prevailing wind, to minimize efficiency loss.”
  ● Using rough figures and 300 ft rotor diameter (RD), the minimum area per turbine would be 1200x2000 to 2000x4000 ft, or 54 to 181 acres. Let's just say that to put a large turbine on less than 50 acres of area is unheard of, and would be HIGHLY irrational as you would lose much of your power to the "park effect." But they are planning to do it on only 15 acres each.
  ● A windfarm of 500 2MW turbines, and given the uneven terrain, would require at least an average of 100 acres each, would require a total of 50,000 acres, or 78 square miles (not 12 square miles).
  ● The Fowler Ridge Wind Farm is a good comparison, as it uses smaller (1.5MW) turbines with (smaller) 253 ft RD, and has uneven terrain similar to our local mountains, and the need to respect 1000 ft setbacks, etc. Although spacing is designed for minimum of 58 to 74 acres each, they actually consume 173 acres due to the terrain and setback requirements.

If the project covers only 7,500 acres, and given the reality of the terrain in the area, they would be able to site about 75 turbines. That's 150 to 225 MW, and doesn't need the SRPL. Any closer spacing that this is a waste of money.

Question: How is this project different from all the other wind farms in the world such that they are able to place 6 to 10 wind turbines in the same area that other projects place only one?

Request: Due to the inadequacy of the information about the design of the RWEP with respect to the density of the wind turbines (and therefore the ultimate output of the project), please extend the review period of the SRPL until this information can be generated by the applicant. At this point, it appears that the output capacity of the wind farm as been exaggerated to provide rationale for the approval of the Sunrise Powerlink. With an appropriate figure for the output of the wind farm, the Sunrise Powerlink is NOT NECESSARY, and their application, without additional substantiation, should be denied.

I also understand that the North Baja Pipeline is located in this area as well, and the actual agenda may be to include a NG power plant at that location, south of the border, as they have in Mexicali.

Q: Is it feasible to construct such a NG power plant at this location?

If it is, we would request to understand their actual plans as they are not serious about putting in a 1250 MW wind farm.

Raymond Lutz
Coordinator, Citizens' Oversight Projects (CitizensOversight.org)
Candidate, 77th State Assembly District
March 27, 2009

VIA U.S. Mail and Electronic Mail

Dr. Jerry Pell
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue
Washington, DC 20585
Fax: 202.318.7761

Subject: Energia Sierra Juarez Transmission Line Environmental Impact Statement
(DOE/EIS 0414) Scoping Comments

Dear Dr. Pell:

Border Power Plant Working Group commends the U.S. Department of Energy’s decision to prepare an Environmental Impact Statement to fully examine the proposed Energia Sierra Juarez U.S. Transmission Project’s alternatives and environmental impacts.

The Border Power Plant Working Group (BPPWG) advocates for the development of environmentally sustainable energy facilities in the US/Mexico border region. It is BPPWG’s belief that proposed facilities be constructed to the highest practicable environmental standard only when required and not displacing superior alternatives. BPPWG defines “environmentally sustainable” as: 1) power plants that produce “zero” air emissions (via catalytic controls and offsets), dry cooling, and no wastewater discharge; 2) no need for LNG Regasification terminals on the West Coast due to ample and long-term availability of lower cost domestic natural gas; and 3) Sempra/SDG&E’s Sunrise Powerlink-Energia Sierra Juarez Transmission Line unnecessary if either a No Project/No Action Alternative is selected or superior renewable energy transmission alternatives are pursued and San Diego’s two aging coastal power plants are replaced with state-of-the-art local plants per San Diego Regional Energy Strategy 2030.

(www.energycenter.org)

ISSUES AND ENVIRONMENTAL IMPACTS OF THE PROPOSED ENERGIA SIERRA JUAREZ TRANSMISSION PROJECT AND ASSOCIATED WIND DEVELOPMENTS

The Energia Sierra Juarez project is an integral component of San Diego Gas & Electric’s (SDG&E) proposed Sunrise Powerlink (SPL) project. SDG&E is a subsidiary of Sempra Energy. The Energia Sierra Juarez project was referred to indirectly by SDG&E representatives during an SPL hearing in identifying wind generation projects that would connect to the Southwest Powerlink. The SDG&E officials indicated that they would be unable to implement this unless the proposed SPL capacity was realized. (Assigned Commissioners Ruling A.06-08-010, July 24, 2007). The Energia Sierra Juarez project, as an integral component of the SPL, is
subject to the findings/conclusions of the Bureau of Land Management (BLM) and the California Public Utilities Commission’s (CPUC) Final Environmental Impact Report and Environmental Impact Statement (FEIR/EIS). The FEIR/EIS provides critical baseline information for a NEPA analysis and BPPWG hereby incorporates, by reference, the FEIR/EIS into these comments. (www.cpuc.ca.gov/environment/info/aspen/sunrise/toc-feir.htm)

The following are areas of concern and additionally we refer the Department of Energy to the FEIR/EIS to view all of the environmental impacts identified by the Bureau of Land Management and California Public Utilities Commission. (supra)

- Natural ecosystem functions will be permanently and negatively transformed due to the industrialization of pristine ecosystems and bioregions.

- Impacts associated to the transmission project will seriously impact endangered and threatened species. The region is critical Quino Checkerspot Butterfly habitat and a key biogeographic linkage for Peninsular Big Horn Sheep populations in Baja California and Southern California. Historical and recent data indicate the proposed project area as habitat for the critically endangered California Condor. Additionally, California Condors could bridge transmission line conductors and electrocute themselves. The presence of these Federally protected species will require with the U.S. Fish and Wildlife Service as mandated by Section 7 of Endangered Species Act.

- Bird collisions with wind turbines will result in high/significantly increased mortality rates. This will result in violation of the Migratory Bird Treaty Act and NAFTA CEC agreements.

- Construction of construction/maintenance roads in the United States (1.7 miles) would permanently alter sensitive plant communities and functioning ecosystems and introduce non-native invasive species. Additionally, these roads may serve as conduits for undocumented immigrants and illegal drugs entering the United States.

- Mexican project components will dramatically impact pristine ecosystems, habitat, and threatened species. The area is directly connected to the US project site as a largely pristine and functioning bioregion; therefore the impacts cannot be limited within national boundaries.

- The project site has been identified as a globally significant bioregion by a coalition of federal, state, and NGO’s. The Las Californias Binational Conservation Initiative’s (LCBCI) is working to permanently protect natural ecosystems, ecosystem processes, and species on both sides of the border. The proposed project will severely impact the proposed conservation area by introducing a large-scale industrial project into the LCBI conservation site.

- “Type Conversion” due to direct and indirect wildfires caused by transmission lines.
• “In-basin” solutions should be given highest priority for meeting future energy demand. Strategies such as the July 2003 San Diego Regional Energy Strategy 2030 (www.sdenergy.org) and San Diego Smart Energy 2020 (www.etechinternational.org) provide common sense alternatives to remotely based and environmentally harmful large-scale industrial projects.

Conclusion:

The proposed Energia Sierra Juarez U.S. Transmission project to construct either a double-circuit 230-kV or single-circuit 500kV transmission line and associated components will clearly result in significant environmental impacts on both sides of the US/Mexico border. We urge the Department of Energy to carefully prepare an environmental impact statement that fully examines the impacts caused by the proposed transmission line, substation, and wind energy components. We also urge that any and all mitigation and enforceable measures are included in your analysis. Finally, we request that all practicable alternatives be fully vetted including a No Project/No Action Alternative be given serious consideration in light of the “common sense” solutions available to the region to meet future energy demands with “in-basin” solutions. For more information, contact me at 619.231.5923 or aqsurf@aol.com Thank you for your consideration.

Sincerely,

Aaron Quintanar
Border Power Plant Working Group
September 3, 2008

Mrs. Ellen Russell  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585-0350  
Email: Ellen.Russell@hq.doe.gov

VIA FAX: 9 pages, including cover, to: 202-586-8008

Dear Mrs. Russell:

Attached please find the comments of the Center for Biological Diversity and Sierra Club. Due to internet problems today, I have been unable to email these comments. If you can send an email to me at ssiegel@biologicaldiversity.org to confirm timely receipt, I will greatly appreciate it. Thanks.

Sincerely,

Steve Siegel  
Attorney for Center for Biological Diversity and the Sierra Club
September 3, 2008

VIA U.S. Mail and Electronic Mail

Mrs. Ellen Russell
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585-0350
Email: Ellen.Russell@hq.doe.gov

Dear Mrs. Russell:

These comments are submitted on behalf of the Center for Biological Diversity and the Sierra Club in response to the U.S. Department of Energy's (DOE) notice of intent to prepare an environmental assessment on the proposed Federal action of granting a Presidential permit to Baja Wind U.S. Transmission, LLC (Baja Wind). The permit would authorize construction of a new electric transmission line at the U.S.-Mexico border in San Diego County, California, near the community of Jacumba. We request DOE look very closely at whether there is a need for this proposed transmission line and how the line would be used if approved. We suggest DOE prepare an environmental impact statement (EIS) and work closely with the appropriate California agencies to ensure compliance with the California Environmental Quality Act (CEQA).

The Center for Biological Diversity is a national nonprofit conservation organization with more than 180,000 members and online activists dedicated to the protection of endangered species and wild places. The Center's mission is to ensure the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands and waters, and public health. Because climate change from society's production of greenhouse gases is one of the foremost threats to the earth's biodiversity, the environment, and public health, the Center works to reduce greenhouse gas emissions in order to protect these resources. The Sierra Club is a nonprofit advocacy organization whose mission is to explore, enjoy, and protect the wild places of the Earth, to practice and promote responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment, and to use all lawful means to carry out these objectives.

The comments in this letter are prepared to help DOE ensure the responsible development of wind energy and other renewable energy sources.

AN ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED

The Center and the Sierra Club submitted the attached comments on the proposed permit to DOE on March 24, 2008. We concluded in our earlier comments that the National Environmental Policy Act (NEPA) requires an EIS to evaluate the environmental impacts of the proposed transmission line. We incorporate those comments by reference here and ask that they be included in the record as part of this comment period.

DOE suggests in its August 4, 2008, Federal Register notice that limiting environmental review to an environmental assessment (EA) is sufficient to comply with NEPA because “the proposed transmission line is short, and that the imports into the U.S. appear to be small.” This statement, however, ignores the legal standards under NEPA, the impacts to the environment of connected and cumulative actions, and lacks a rational connection to the environmental impacts of the proposal. For reasons discussed in our March 24, 2008 letter and below, an EIS is required.

An EIS must be prepared for all “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. Section 4332(2)(C). DOE’s apparent criteria for assessing whether an EA or EIS is required is the length of the proposed line (“short”) and the line’s import capacity (“small”). There is no rationale link between this criteria and the legal standard.

The environmental impact of the proposed project extends well beyond the length of the transmission line. An additional 13.4 miles of transmission lines would be built in the United States, a substation would be built east of Jacumba, the SDG&E Boulevard substation would be expanded from .25 to .75 of an acre, a new communication facility would be constructed, approximately 300 wind turbines would be installed, and the underlying energy developments would cover approximately 7,500 acres. The Bureau of Land Management (BLM) identified each of these connected actions in a recirculated draft environmental impact report and supplemental environmental impact statement (RDEIR) it prepared with the California Public Utilities Commission (CPUC) in evaluating the proposed Sunrise Powerlink transmission project.

The RDEIR introduces 9 new, significant and unmitigable impacts not described in the DEIR that was discussed in our March 24, 2008 letter to DOE. Our letter in March describes 18 of the significant environmental impacts documented in the DEIR that would result from issuance of a Presidential Permit. The impacts include significant detrimental contributions to global warming and harmful impacts to state and federally protected species, including the Peninsular bighorn sheep and Quino checkerspot butterfly. The list of 18 significant environmental impacts in our March 2008 letter is only a small subset of the environmental impacts of the proposed action, and we recommended DOE review the RDEIR.

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2 Id.
3 RDEIR page 2-5.
disagrees with the environmental analysis of the BLM, it is obligated as part of the same federal government as BLM to reconcile these differences.

DOE failed to acknowledge our comments or consider any of the impacts identified in our March 2008 letter in its August 4, 2008, Federal Register notice. DOE’s failure to identify these impacts calls into question the adequacy of its notice to the public. By withholding important information, the public lacks sufficient information to respond to DOE’s assertion that an EA, rather than and EIS, is required to review impacts of the proposed action.

The RDEIR reflects amendments to the Presidential Permit application not discussed in the DEIR and our March 2008 letter. The amendments identify the intent to expand the wind energy developments dependent on the proposed action from 250 to up to 1250 megawatts (MW) of power. This represents a 1000 MW increase from the initially proposed project. We incorporate the RDEIR in these comments and ask DOE to include it in the record.

The proposed action is a result of an application submitted to DOE by Sempra Generation on December 18, 2007, and an addendum submitted on March 19, 2008. Sempra is clear in its application that the 1250 MW of wind energy developments in northern Baja California depend on issuance of a Presidential Permit. DOE must consider the environmental impacts of these developments as part of its review of the proposed action. DOE should know this; it has gone down this road before with Sempra. The energy development of a Sempra subsidiary was one of the subjects of a 2003 court decision holding that when an energy development in Mexico and a transmission line are “two links in the same chain,” NEPA requires analysis of the environmental impacts of both the proposed transmission line and the underlying energy developments anticipated to utilize the line. Border Power Plant Working Group v. Department of Energy, 260 F. Supp. 2d 997, 1017 (S.D. Cal. 2003).

CEQA COMPLIANCE IS REQUIRED

The August 4, 2008, Federal Register notice makes no reference to a joint federal and state environmental review of the proposed project. We recommend DOE expedite environmental review by working with its California counterparts. Although portions of the project, including the underlying energy developments, are outside of California, other portions are within the State and the entire project may have an impact on the environment of California.

A California Attorney General (AG) opinion describes the applicability of CEQA and NEPA to the construction of developments, including power transmission facilities, extending

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4 The RDEIR was prepared by the El Centro office of the BLM and is found online at http://www.cpwi.ca.gov/Environment/Info/aspen/sunrise/doc-rdeir.htm. We request that any document incorporated by reference in these comments be included as part of the record. Documents referenced are likely in the possession of DOE. If DOE requires us to submit the physical document for inclusion in the record, we ask to be informed of this requirement and be allowed the opportunity to submit the document. We also note that the RDEIR is just a starting point; on August 25, 2008, we provided the BLM with comments on the RDEIR.
outside of California. The AG concluded that CEQA "clearly requires public agencies to consider the direct or ultimate impact of a project upon the environment of California — whether the cause of that impact originates within the boundaries of the state or outside of the state." The opinion specifically addresses the link between ecosystems and the applicability of both NEPA and CEQA in assessing this link:

"The House Report on NEPA recognized the interdependence of the world's ecosystems and the need for careful environmental protection. 'The complexity of the earth's ecosystem and its component parts of individual ecosystems makes understanding of it and the management a massive challenge... Today we are manipulating an extremely complex system. The ecosystems of the earth, the units of the landscape, and we do not know the consequences of our action until it is too late. H.R. Rep. No. 378, 91st Cong., 1st Sess. 5-6 (1969).' The National Environmental Policy Act forms part of the legislative history of CEQA."  

The AG's opinion further describes the interdependence between California's environment and the environment outside its borders in the context of pollution:

"the California Legislature, in enacting CEQA, could not have been so parochial in its thinking as to encourage California agencies to export their pollution by exempting those agencies from responsibility for out-of-state pollution occasioned by the California agencies' demands. Also, the success of preserving and enhancing the environment of California is dependent on other states respecting California's environment and not permitting their state and local agencies to degrade the quality of California's environment. Absent such mutual respect and dependence, the goal of preserving the environment of this state becomes much more difficult."  

DOE's environmental analysis should include a description of the differences in critical pollution and other environmental requirements in California and Mexico. The analysis should also discuss the monitoring and enforcement record in Mexico, particularly related to energy facilities. DOE should use this information to identify avoidance, minimization, and mitigation conditions it may place on any permit to ensure weaker standards in Mexico do not lead to the degradation of the environment in the United States.

The political boundary that separates California and Mexico divides a single, functioning ecosystem. Representatives from the United States and Mexico, as well as California and

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6 AG opinion, page 4.
7 AG opinion, page 4, note 7.
8 AG opinion, page 5.
various local governments and non-profits, recognize the area as an especially rare and ecologically sensitive, interdependent ecosystem with a broad variety of sensitive, threatened, and endangered plant and animal species.

The region is described by the Center and the Sierra Club in the testimony of Jerre Anne Stallcup attached to our March 24, 2008, letter. The wind developments in La Rumorosa and the proposed transmission line are located in the planning areas for the *Las Californias Binational Conservation Initiative*. Ms. Stallcup describes this initiative as:

"...embraced by federal, state, and local governments and nongovernmental organizations on both sides of the U.S.-Mexico border. A subcommittee of the California Biodiversity Council (CBC) (Attachment E) continues to meet on conservation issues in this area, because continued development in the border region threatens to bisect this globally unique ecosystem."

The BLM describes the project area in similar terms as Ms. Stallcup, highlighting that it contains many native species that only occur there due to its geologic history. These links to the environment of California, among others, require CEQA review of the proposed project.

**ALTERNATIVES**

Analysis of the proposed project should begin with an assessment of whether the proposed transmission lines are necessary, or whether there is an existing infrastructure that can carry the energy. The analysis should include an assessment of whether upgrades to the existing infrastructure, or modernization of the infrastructure, will allow sufficient capacity to deliver the anticipated amount of wind power, or alternatively, allow a smaller project to deliver the energy.

DOE should examine whether all or portions of the proposed transmission line may be placed underground to reduce environmental impacts and fire risks of the proposed project.

Routes should be proposed to minimize impacts on the *Las Californias Binational Conservation Initiative*. DOE should consult with participants in preserve planning processes to help ensure the line does not interfere with land already in the preserve and avoids harming additional land necessary to meet preserve objectives.

A primary purpose of route alternative selection is to avoid harm in the first instance, then minimize harm, and finally, mitigate harm that can be neither avoided nor minimized. We ask DOE to require sufficient data on the presence of migratory birds and use this data as a tool in developing alternative routes to avoid harm, and to identify wind development locations and

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*Testimony of Jerre Anne Stallcup, Exhibit C-1, page 10, in CPUC hearing number A.06-08-010, attached to our March 24, 2008, letter to DOE regarding the Presidential Permit request.*

*DEIR/DEIS page D.2-246.*
facilities that minimize environmental impacts. Similarly, the approach of gathering sufficient data for use in selecting alternative routes to analyze should be used to protect other species at risk.

All transmission alternatives should be assessed in light of safety risks identified by Sempra subsidiary San Diego Gas & Electric in its petition to the California Public Utilities Commission, P. 07-11-007, for a rulemaking to address fire safety risks of transmission lines, results of the investigations of the California Department of Forestry and Fire Protection (CALFIRE) of transmission line caused fires in Southern California in October 2007, and the findings of the CPUC released on September 2, 2008, regarding the cause of those fires.

CALFIRE found SDG&E in violation of the California Public Resources Code and the CPUC concluded SDG&E violated CPUC regulations and failed to fully cooperate in the investigation into the cause of the fires. The fires investigated by the agencies were in the same region as the proposed Presidential Permit and related transmission lines and were operated by the SDG&E, the same company that would operate the lines if a Presidential Permit is issued. According to the September CPUC report (attached), the Witch and Rice fires were caused by SDG&E, resulted in the loss of two lives, injury to approximately 40 firefighters, destruction of over 200,000 acres of land and over 1,300 homes, and additional damages.

PERMIT CONDITIONS APPLICABLE TO ALL TRANSMISSION ALTERNATIVES

DOE has the authority to consider alternatives that include specific conditions in the permit it issues, including conditions to meet environmental standards and other conditions necessary to protect the public interest. Such conditions extend not only to a proposed transmission line, but also to the power plants that will deliver power through the lines. *Border Power Plant Working Group v. Department of Energy*, 260 F. Supp. 2d 997, 1031 (S.D. Cal. 2003). Our letter of March 24, 2008, identifies a series of recommended conditions on any permit issued. We refer you back to those conditions and incorporate all of our prior recommendations in these comments. We propose DOE consider additional conditions, as discussed below.

The application for the project fails to provide enforceable assurances that only wind energy will be used on the proposed line. DOE faced a similar circumstance when another Sempra subsidiary requested a Presidential Permit to operate a power line between Mexico and Southern California. Without appropriate permit conditions, there is a high likelihood Sempra will use the line to import energy derived from its natural gas facilities in Mexico, thereby invalidating the environmental analysis of DOE.

DOE addressed the possibility of approving a power line that would be used for something other than its stated purpose when issuing Presidential Permit No. PP-235-2 on April 18, 2005. Article 3 of the permit states, “The facilities authorized...shall be constructed only to an electric power plant that employs the same ...technologies as those analyzed in the ‘Final
Environmental Impact Statement...” DOE explained that this condition was placed in the permit because the analysis in the EIS and the conclusions reached in its record of decision were predicated on the construction of a specific type of power plant using the line. Presidential Permit No. PP-235-2, page 3. The same analysis is applicable to the present permit request, and warrants a permit condition specifying only wind energy facilities may utilize the proposed transmission line.

Permit conditions, while helpful, have limitations. Once constructed, the permittee or its successors may request an amended or new permit authorizing different uses for the line. It is reasonably foreseeable that the intermittent nature of wind power may be used to rationalize additional power production sources for the line. A likely possibility is Sempra’s natural gas infrastructure in the immediate vicinity of the proposed location of the line. The lack of clear wind development plans and the lack of power purchase agreements increase the likelihood of requests to modify permit conditions specifying the line may only be used to support wind energy facilities.

The lack of specific development plans is obvious in the RDEIR prepared by the BLM and CPUC after those agencies reviewed the subject application. Instead of actual analysis of the impacts of the proposal, the agencies were left using “a generic description” of projects not yet proposed or even identified, with unknown locations, assumed design and operational standards, and without monitoring data typically collected to support project design. The analysis fails to provide the specificity required under NEPA to properly disclose the impacts of the project.

The lack of purchase agreements supporting claims the proposed action may result in the production of up to 1250 MW of wind power casts doubt on how the line, once built, will actually be used. The only contract proposed to purchase wind delivered on the proposed line was withdrawn by Southern California Edison (SCE) in a letter to the CPUC on August 26, 2008. The withdrawal of SCE’s power purchase agreement means none of the 1250 MW of requested transmission capacity has been claimed for the delivery of wind power.

The failure to sign power purchase agreements to deliver wind power from the line is particularly troubling because Sempra’s own subsidiary, SDG&E, is woefully short in meeting California’s Renewable Portfolio Standard (RPS) of delivering 20% of its energy from renewable sources by 2010. A demand for wind energy from the line, and full utilization of the proposed line, could easily be tested through SDG&E’s need to increase its purchases of renewable energy. SDG&E currently delivers less than 6% of its energy from renewable Sources.

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11 A map of Sempra’s natural gas infrastructure near the proposed placement of the transmission line is at: [http://www.gdsma energ y.org/sunrise-powerlink_fossil-fuel-corridor-map.pdf](http://www.gdsma energ y.org/sunrise-powerlink_fossil-fuel-corridor-map.pdf)

12 RDEIR page 2-14 and subsequent pages. The analysis is repeatedly filled with assumptions because of the lack of actual data and planning documents.

13 Advice Letter 2143-E-C from SCE to PUC, August 26, 2008.
sources, and has only two years to meet the 20% requirement or face penalties for non-
compliance with the law.

We recommend as a permit condition that construction of the line may not begin until
capacity on the line is pre-sold for the delivery of renewable energy, and DOE and the
appropriate state agency have approved the power purchase agreements. The Minnesota PUC
(MPUC), faced with very similar concerns that fossil fuel generated power would ultimately use
a proposed transmission line being described as necessary to deliver wind power, provides
precedent for requiring the advance sale of capacity on the proposed line. The MPUC exercised
its power line siting authority by requiring approved contracts for the delivery of enough wind
power to fill the capacity of the proposed line before authorizing construction of the line.\footnote{https://www.cdockets.state.mn.us/EFiling/ShowFile.do?DocNumber=1473345}

Thank you for considering these comments, and all actions taken to promote the
responsible development of renewable energy. Please contact me with any questions you may
have regarding these comments.

Sincerely,

/s/ Steven Siegel
Steven Siegel
Staff attorney, on behalf of the Center
for Biological Diversity and Sierra Club
March 24, 2008

Ms. Ellen Russell, Acting Director
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0350

Re: Protest of Application for Presidential Permit; Baja Wind U.S. Transmission, LLC

Dear Ms. Russell:

On February 22, 2008, the Department of Energy (Department) published notice in the Federal Register of the application of Sempra Generation for a Presidential Permit to construct and operate an electric transmission line across the U.S. border with Mexico. Our organizations support the development of wind power in an environmentally appropriate way and offer the following suggestions to help ensure appropriate measures are taken to minimize the environmental impact of the proposed transmission line, if a permit is issued. Measures include undertaking an environmental impact statement and ensuring the permit, if issued, identifies and requires specific and enforceable mitigation measures.

The Center for Biological Diversity is a national membership organization with over 40,000 members in the United States. The Center’s mission is to ensure the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands and waters, and public health. Because climate change from society’s production of greenhouse gases is one of the foremost threats to the Earth’s biodiversity, the environment, and public health, the Center works to reduce greenhouse gas emissions in order to protect these resources. The Sierra Club is a non-profit advocacy organization whose mission is to explore, enjoy, and protect the wild places of the Earth, to practice and promote responsible use of the Earth’s ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

NEPA REVIEW

The permit application submitted by Sempra Generation on December 18, 2007, suggests that an environmental assessment will provide sufficient review under the National Environmental Policy Act (NEPA). The application provides virtually no information about the wind farms that are the stated reason for constructing the transmission project. The

1 Application, page 8

application also does not mention that the Bureau of Land Management (BLM), in partnership with the California Public Utilities Commission (PUC), released on January 3, 2008, a draft environmental impact statement and environmental impact report (DEIS/DEIR) for the proposed Sunrise transmission project (STP). The DEIS/DEIR for the STP provides a foundation for the necessary NEPA review, required in considering the request for a Presidential Permit and we hereby incorporate into these comments, by reference, the DEIS/DEIR.2 The environmental impacts of the transmission line subject to the pending application for a Presidential Permit are described in the DEIS/DEIR because the BLM and PUC determined in the DEIS/DEIR that the La Rumorosa wind developments and connected transmission line described in the pending application are not significant unless the STP is approved.3 The Commission therefore is
application also does not mention that the Bureau of Land Management (BLM), in partnership with the California Public Utilities Commission (PUC), released on January 3, 2008, a draft environmental impact statement and environmental impact report (DEIS/DEIR) for the proposed Sunrise transmission project (STP). The DEIS/DEIR for the STP provides a foundation for the necessary NEPA review required in considering the request for a Presidential Permit and we hereby incorporate into these comments, by reference, the DEIS/DEIR. The environmental impacts of the transmission line subject to the pending application for a Presidential Permit are described in the DEIS/DEIR because the BLM and PUC determined in the DEIS/DEIR that the La Rumorosa wind developments and connected transmission line described in the pending application are unlikely to occur unless the STP is approved. The Commission therefore is considering the impacts of the wind development, including the construction of transmission lines and a substation, as indirect effects of the STP. The analysis in the DEIS/DEIR is directly applicable to the pending application for a Presidential Permit.

The application for a Presidential Permit is connected to the La Rumorosa wind projects and therefore must be analyzed in conjunction with the permit request. Sempra Generation and Canyon have not, according to the DEIS/DEIR, provided the BLM and PUC with the specific location of the wind developments necessary to deliver power under the Baja Wind contract. Specific information must be provided, or the Department will only be able to guess at the environmental impacts of the project, a result clearly contrary to the requirements of NEPA. The agencies preparing the DEIS/DEIR were not given specific location maps. The project is

\[2\] The DEIS/DEIR is found online at [http://www.cpuc.ca.gov/environment/info/aspen/sunrise/ton-deir.htm](http://www.cpuc.ca.gov/environment/info/aspen/sunrise/ton-deir.htm)

\[3\] DEIS/DEIR page B-118. The project, although not named specifically, appears to be one of the projects referred to in testimony of San Diego Gas & Electric (SDG&E) officials in the STP hearing. This testimony was highlighted in the Assigned Commissioner's Ruling (ACR) of July 24, 2007, at page 16. A-06-08-010. The testimony identifies wind generation projects that would connect to the Southwest Powerlink but would be unable to do so according to SDG&E officials unless there was the additional capacity of the STP. SDG&E and Sempra Generation are both subsidiaries of Sempra Energy. We note, however, that statements made by SDG&E officials linking renewable energy projects to construction of the STP are not to be relied upon. For example, SDG&E has linked its purchase of solar energy from Stirling Energy Systems to construction of the STP, though SDG&E officials and representatives of the California Independent Systems Operator testified that the STP is not needed to deliver the 300 megawatts of power contracted with Stirling for delivery by 2010. In addition, Department officials should investigate the new capacity that will become available on the Southwest Powerlink when current contracts expire in 2011.

\[4\] DEIS/DEIR, pages B-118 and B-125.

\[5\] Application, page 1.

\[6\] DEIS/DEIR, page B-129. The Baja Wind contract has been proposed by Southern California Edison for approval by the PUC in PUC Advice Letter 2143. The contract is to purchase wind power that would be delivered from La Rumorosa, Mexico, through the transmission lines subject to the Presidential Permit application.

\[7\] DEIS/DEIR figure B-48 identifies a "potential site."
estimated to require between 750 and 2,125 acres of land. A 230 kV transmission line would be placed above ground for approximately 20 miles along an existing right of way (ROW), and approximately 8.7 miles along a new ROW. 1.7 miles of the ROW would be in the United States, running through critical habitat of the quino checkerspot butterfly. A new substation near Jacumba would be constructed to support the project, possibly on top of the known Jacumba quino checkerspot butterfly population. It appears that appropriate site testing has not been completed, including data gathering on wind speed and direction, wind shear, temperature, and humidity. In addition, critical species surveys have not been undertaken. Despite the sparse information provided, the BLM and PUC were able to identify significant environmental impacts from the project. These impacts require the Department to look at the proposed request with more specificity than contained in the DEIS/DEIR through preparation of an environmental impact statement.

ENVIRONMENTAL IMPACTS OF THE PROPOSED TRANSMISSION PROJECT AND CONNECTED WIND DEVELOPMENTS IDENTIFIED IN THE DEIS/DEIR

The DEIS/DEIR describes a number of potential impacts of the La Rumorosa Wind project and associated transmission lines subject to the request for a Presidential Permit. The DEIS/DEIR also identifies potential mitigation measures to reduce these impacts. We refer the

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8 DEIS/DEIR, page B-129.
9 Sempra claims in its Presidential Permit Application the proposed transmission line will have a total length of approximately 3 miles. It appears this is a subset of the larger transmission line described in this paragraph and in the DEIS/DEIR. NEPA prohibits piecemealing the analysis of the project.
11 DEIS/DEIR page D.2-245.
12 DEIS/DEIR page B-131.
13 DEIS/DEIR B-129. Such data can be important in siting turbines to minimize harm to birds. As discussed more fully in the STP Hearing, particularly through the testimony of the Mussey Grade Road Alliance, the information may be critical in reducing fire risks associated with transmission lines. The information may be especially important to reduce risk of catastrophic fire in a project like the one proposed by Sempra and Cannon in La Rumorosa, where the transmission lines will run through remote areas and only a minimal staff will be available for operation and maintenance.
14 DEIS/DEIR page D.2-253 (plant species); D.2-256 (quino checkerspot butterfly). These references are intended only as examples and not as a complete listing.
15 The DEIS/DEIR is an official CPUC document. The following list includes only some of the impacts identified in the document and is not intended to be a detailed or all-inclusive list of the environmental impacts of the La Rumorosa/Baja Wind project. For purposes of this letter, the Center and the Sierra Club have not independently evaluated the findings made by the CPUC in the DEIR.
Department to the DEIS/DEIR to view all of the environmental impacts identified by the BLM and PUC. Among those impacts are:

1. The impact of adding industrial features to an otherwise natural landscape would permanently change the character of the La Rumorosa area and the Sierra Juarez Mountains. The impacts would be significant and cannot be mitigated to less than significant levels. The DEIR/DEIS identifies mitigation measures that can be implemented to reduce the impact.\(^\text{16}\)

2. The 1.7 mile right of way required for the project in the United States is within quino checkerspot butterfly designated critical habitat. The butterfly is protected as an endangered species pursuant to the federal Endangered Species Act and has a high potential to occur in the ROW.\(^\text{17}\) In fact, the proposed ROW and the new Jacumba Substation appear to be located on the documented Jacumba quino checkerspot butterfly population.

3. Construction of the access roads for the 1.7 mile transmission line in the United States would result in the permanent loss of vegetation in sensitive plant communities. The impact cannot be reduced to less than significant levels because there may not be mitigation land available to compensate for the loss of this habitat.\(^\text{18}\)

4. Construction in Mexico of the project would result in the permanent loss of vegetation in sensitive plant communities. As in #3 above, this loss cannot be reduced to less than significant levels because there may not be mitigation land available to compensate for the loss of this habitat.\(^\text{19}\)

5. Tree trimming required for the project would likely lead to violations of the Migratory Bird Treaty Act in both the United States and Mexico. The loss of habitat cannot be reduced to less than significant levels because there may not be mitigation land available to compensate for the loss of this habitat. Mitigation measures are identified to reduce impacts.\(^\text{20}\)

6. The increased risk of wildfire from transmission lines can lead to “type conversion” of the area habitat, increased fires, and reduced ability to fight fires. Impacts are significant

\(^\text{16}\) DEIS/DEIR pages D.573 – D.575.
\(^\text{17}\) DEIS/DEIR page D.2-245.
\(^\text{18}\) DEIS/DEIR page D.2-249.
\(^\text{19}\) DEIS/DEIR page D.2-249.
\(^\text{20}\) DEIS/DEIR page D.2-250.
because of the severity of potential habitat loss and are not mitigable to less than significant levels.\textsuperscript{21}

7. Impacts during construction to jurisdictional waters of both the United States and Mexico are identified as significant but mitigable to less than significant levels with implementation of mitigation measures.\textsuperscript{22}

8. Construction and operation and maintenance in the United States and Mexico could introduce invasive species that would have a substantial adverse effect on sensitive vegetation communities. The impact would be significant but mitigable to less than significant levels.\textsuperscript{23} The introduction of exotic invasive plant species would also have a significant negative effect on the quino checkerspot butterfly.

9. Construction activities in the United States and Mexico would cause dust that could have a significant adverse impact on vegetation but is mitigable to less than significant levels.\textsuperscript{24}

10. Direct and indirect loss of plants and habitat from construction in the United States and Mexico is considered significant and unmitigable to less than significant levels.\textsuperscript{25}

11. Construction activities in the United States and Mexico would result in direct or indirect loss of threatened and endangered wildlife species and/or their habitat, including the Peninsular bighorn sheep, quino checkerspot butterfly, and barefoot banded gecko. The impact is considered significant and unmitigable to less than significant levels.\textsuperscript{26}

12. Construction activities would result in the potential loss of nesting birds in violation of the Migratory Bird Treaty Act. This impact is significant but mitigable to less than significant levels.\textsuperscript{27}

\textsuperscript{21} DEIS/DEIR pages D.2-250-251. The DEIR on the whole devotes over 300 pages to examining the relationship between fire and power lines. We do not try and summarize these risks in this letter other than to highlight the importance of this issue and its impact on the environment and public safety.

\textsuperscript{22} DEIS/DEIR page D.2-251.

\textsuperscript{23} DEIS/DEIR page D.2-252.

\textsuperscript{24} DEIS/DEIR pages D.2-252 - 253.

\textsuperscript{25} DEIS/DEIR page D.2-253.

\textsuperscript{26} DEIS/DEIR page D.2-254 - 257.

\textsuperscript{27} DEIS/DEIR page D.2-257-258.
13. But nursery colonies would be significantly impacted by the project, but the impact is mitigable to less than significant levels. 28

14. Federal or state listed migratory birds, or other sensitive species, are anticipated to collide with transmission lines. Their mortality is significant and not mitigable to less than significant levels. 29

15. There is the potential for California condors to bridge the gap between transmission line conductors and electrocute themselves. Mitigation measures are recommended to reduce this risk. 30 California condors have been reintroduced in northern Baja California and at least one bird flew into San Diego County in 2007.

16. Maintenance activities could disturb or kill protected wildlife. The impact would be significant but mitigable to less than significant levels. 31

17. Operation of the facility would result in mortality to birds due to collision with wind turbines. This impact is significant and not mitigable to less than significant levels and would violate the Migratory Bird Treaty Act. 32

18. Operation of the facility would result in mortality to bats due to collision with wind turbines. This impact is significant and not mitigable to less than significant levels. 33

TESTIMONY SUBMITTED IN THE SUNRISE TRANSMISSION HEARING
APPLICABLE TO THE PRESIDENTIAL PERMIT REQUEST

Environmental impacts of wind development and associated transmission lines related to the subject request for a Presidential Permit are also the subject of testimony submitted in the STP hearing. Applicable testimony presented by the Center for Biological Diversity and the Sierra Club and distributed to the parties in the STP hearing in June 2007 and on March 12, 2008, includes the testimony of Jerre Ann Stallcup, Dr. Esther Rubin, Dr. Travis Longcore, and Richard Halsey. Testimony of Donna Tisdale of Boulevard, California, was submitted by the Mussey Grade Road Alliance. The prepared testimony of each of these witnesses is attached and briefly described below.

28 DEIS/DEIR page D.2-259.
29 DEIS/DEIR page D.2-259 -260.
30 DEIS/DEIR page D.2-260.
31 DEIS/DEIR page D.2-261.
32 DEIS/DEIR page D.2-262.
33 DEIS/DEIR page D.2-263.
The political boundary that separates California and Mexico divvies a single, functioning ecosystem. Representatives from the United States and Mexico, as well as California and various local governments and non-profits, have recognized the area as an especially rare and ecologically sensitive, interdependent ecosystem with a broad variety of sensitive, threatened, and endangered plant and animal species. The testimony of Jerre Stallcup and Dr. Esther Rubin describes the importance of the Las Californias Binational Conservation Initiative and the potential impact the wind facilities and associated transmission lines subject to the Presidential Permit request may have on the initiative. Ms. Stallcup describes this initiative as:

"...embraced by federal, state, and local governments and nongovernmental organizations on both sides of the U.S.-Mexico border. A subcommittee of the California Biodiversity Council (CBC) (Attachment E) continues to meet on conservation issues in this area, because continued development in the border region threatens to bisect this globally unique ecosystem."34

The BLM and PUC describe the project area in similar terms, highlighting that it contains many native species that only occur there due to its geologic history.35 The uniqueness of this sparsely populated natural area also makes it appealing to ecotourists.36

Dr. Rubin states the project would also impact the Las Californias Binational Conservation Initiative and may cause extensive habitat loss to Peninsular Bighorn Sheep, may be inconsistent with the recovery plan for this Federally endangered species, and may destroy a crucial link between sheep populations.

Dr. Longcore's testimony is applicable to the construction of power lines in general, with specific references to the proposed STP that are also applicable to the Presidential Permit request. Dr. Longcore discusses industry and government approved guidelines to reduce risks to birds prior to and in the construction of power lines and notes that claims to implement these guidelines may not be reflected in the actual construction specifications for the lines, or in the necessary wildlife surveys prior to construction that are necessary to ensure that a transmission line route is chosen to minimize impacts to birds. Prior surveys of wildlife and habitat are also crucial in choosing a route that minimizes harm to other species.

34 Testimony of Jerre Anne Stallcup, June 1, 2007, page 10. The STP hearing is identified within the California Public Utilities Commission docket system as Application number 06-08-010. Attachments D and E of Ms. Stallcup's testimony are attached to this letter. These attachments include a map of the conservation initiative area and identify California, U.S. federal, and Mexican authorities working on the Las Californias Binational Conservation Initiative.
35 DEIS/DEIR page D.2-246.
36 DEIS/DEIR page D.5-72.
Ms. Tisdale's testimony describes the substantial impact to residents of her community in California from light pollution from wind farms in Mexico and additional negative impacts of the project.

We also highlight here that the DEIS/DEIR includes over 300 pages of analysis related to the risk of fire from transmission lines and testimony was submitted on this subject as well. Testimony from Rick Halsey on behalf of the Center for Biological Diversity and the Sierra Club emphasizes that fire risks from transmission lines are both direct and indirect, and the DEIS/DEIR underemphasizes the indirect risks. Southern California is identified in the document as the area most prone in the country. SDG&E has highlighted this point by filing a petition to the PUC stating there is an unacceptable risk of fire from power lines of all types, and is seeking new safety reviews. SDG&E's witness in the STP proceeding has presented testimony that states of the areas within Southern California, "fire risk is greater in the south county and in the border area in general. Campfires, transient traffic, and wildfires moving into the United States from Mexico are responsible for a disproportionately large number of fires in or adjacent to the border area."37 As Ms. Stallcup highlights in her testimony, access roads associated with power lines are likely to increase human activity where they are built, and become an indirect source of both environmental degradation and wildfire risk. An above ground power line in the areas described in the Presidential Permit may increase fire risk on both sides of the border.

PRELIMINARY RECOMMENDED PERMIT CONDITIONS

As the Department proceeds with environmental review of the proposed project, we ask that it consider the following permit conditions measures as well as other measures identified through the preparation of an environmental impact statement:

1. The permit, if issued, should explicitly limit use of the transmission line to the purposes stated in the published notice of application; for importing renewable energy from Mexico, with the only exception being the export of power necessary to maintain and operate wind turbines. Sempra Energy is currently developing significant fossil fuel natural gas infrastructure in northern Baja California. These new transmission lines should encourage renewable energy and in no way facilitate the delivery of energy releasing additional greenhouse gas emissions.

2. Sempra Generation's sister company, San Diego Gas & Electric, is currently under investigation by Federal and state agencies to determine how its operation of electric power lines caused at least three of the fires that swept through Southern California in October 2007. SDG&E subsequently petitioned the California Public Utilities Commission for a rulemaking, asserting that there is an unacceptable level of risk

associated with overhead electric lines of all types.\textsuperscript{28} Issuance of the permit should await the findings of the investigation and rulemaking requested by SDG&E, consider lessons learned from the investigation, and incorporate all safety recommendations.

3. The release of sulfur hexafluoride from transmission line operations is a significant greenhouse gas emission. The U.S. EPA has established a voluntary program to monitor and reduce the release of this greenhouse gas pollutant. Investor owned utilities in California, including Southern California Edison and Pacific Gas & Electric, participate in this program.\textsuperscript{39} Issuance of a permit should be conditioned on Sempra’s participation in the program and full implementation of the program in both the United States and Mexico.

4. Operation of the wind energy development is likely to violate the Migratory Bird Treaty Act, the Migratory Bird Treaty with Mexico, and possibly the Endangered Species Act. The permit should be conditioned on incorporating the California Energy Commission’s Statewide Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development,\textsuperscript{40} as well as additional measures recommended by the U.S. Fish and Wildlife Service.

5. Construction, operation, and maintenance of the transmission line are likely to violate the Migratory Bird Treaty Act and possibly the Endangered Species Act. The permit should identify the appropriate mitigation measures recommended in the APLIC guidelines and require construction, operation, and maintenance implementing, at a minimum, the standards endorsed by APLIC.

6. The presence of Federally threatened and endangered species, including the Quino checkerspot butterfly and Peninsular bighorn sheep, will require consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act. Compliance with the Endangered Species Act requires that mitigation and minimization measures identified through the consultation must be incorporated into the terms of the permit. At the very least, surveys should be done to ensure the line is located outside of habitat needed by bighorn sheep, is located outside of quino checkerspot butterfly designated critical habitat, and away from any documented populations of these species.

\textsuperscript{28} SDG&E’s petition to the PUC is identified in the PUC docket as number P-07-11-007 and applies to overhead electric lines of all types. November 6, 2007, petition, page 1. SDG&E highlights the unacceptable level of risk of electric lines and fire safety in its reply brief in P-07-11-007, January 7, 2008, at page 8. An example of possible fire risks from existing equipment used by SDG&E is discussed in a February 10, 2008, story of the San Diego Union Tribune, quoting CPSC director richard Clark on the possible need for fire-safety rule changes. The article is found at http://www.signonsandiego.com/uniontrib/20080210/news_1016sdge.html

\textsuperscript{39} The guidelines were approved on September 26, 2007, and are found at http://www.energy.ca.gov/renewables/05-021/index.html.
7. Measures to reduce light pollution to the maximum extent possible should be part of the construction design of the wind energy and transmission projects.

8. The long term ecological planning vision of the BLM and other agencies should be considered to allow the *Las Californias Binational Conservation Initiative* to move forward unimpaired.

**Conclusion**

The Presidential Permit application of Sempra Generation, submitted on December 18, 2007, is dependent on a development near La Rumorosa, Mexico, the construction of a new substation, and the construction of transmission facilities in California and Mexico. The transmission line on both sides of the border will have a significant impact on the environment in the United States, as will the operation of the wind facility and construction of the substation. We urge the Department to prepare an environmental impact statement that examines the impact of the transmission line, substation, and wind energy facility, and to include in any permit enforceable measures to minimize the impact of the proposed project, mitigate for impacts that cannot be minimized, and ensure measures are taken to protect human health and safety, and the environment, by implementing fire safety measures appropriate for the most fire-prone region of the United States and the border region with Mexico. Thank you for considering these comments.

Sincerely,

/s/
Steven Siegel
Staff attorney, on behalf of the Center
for Biological Diversity and the Sierra Club

**Attachments:**

- Donna Tisdale testimony at pages 15-22, Mussey Grade Road Alliance, March 12, 2008
- Jerre Ann Stallcup testimony, June 1, 2007, pages 1-3, 10, and attachments D and E
- Jerre Ann Stallcup testimony, March 12, 2008, pages 1-14 and maps 3 and 4
- Dr. Esther Rubin testimony, March 12, 2008, pages 1 and 8-9
- Dr. Travis Longcore testimony, March 12, 2008, pages 1-17, 22-23

**cc:** Bill Corcoran, Sierra Club

Ms. Joan Heredia
Permitting Manager
Sempra Global
101 Ash Street
HQ 8B
San Diego, CA 92101
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the matter of the Application of
San Diego Gas & Electric Company
(U 902-E) for a Certificate of Public
Convenience and Necessity for the
Sunrise Powerlink Transmission
Project

Application No. 06-08-010
(Filed August 4, 2006)

PHASE 2 DIRECT TESTIMONY OF THE
MUSSEY GRADE ROAD ALLIANCE
COMMUNITY MEMBER TESTIMONY

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Dated: March 12, 2008
5. TESTIMONY OF DONNA TISDALE

My name is Donna Tisdale and I live at Morning Star Ranch, Tierra Real Road, Boulevard, CA. I have chaired the Boulevard Community Planning Group (previously known as the Boulevard Sponsor Group), for almost 20 years. The Planning Group is an elected advisory land use group established by the County of San Diego. In the early 1990’s, I organized the non-profit group Backcountry Against Dumps, Inc., to defend our ground water dependent community against projects that pose a threat to our resources, overall environment, rural community character and quality of life. I have been continuously re-elected to head up both of those groups.

I have personally defended my community against the 600-acre Campo Landfill project on the Campo Reservation, a hazardous waste incinerator on the La Posta Reservation, a proposed international airport to replace Lindbergh Field, a prison camp, an off-road vehicle park and multiple large-scale housing developments and proposals.

I have worked with various conservation and environmental organizations, geologists, attorneys, environmental engineers, college professors, authors, reporters, elected representatives, regulatory agencies, project proponents, venture capital investors, tribal leaders and more. I was successful in petitioning for federal designation of our Campo/Cottonwood Creek Sole Source Aquifer, which will be impacted by most of the southern route alternatives. We have no viable alternate source of water to replace our existing groundwater resources.

For the last decade, our community planning group and others, along with special interest, conservation, and business groups, have been working with the San Diego County on the General Plan Update, which is currently going through the EIR process. The County Planning Commission and the Board of Supervisors
have given their preliminary approval to proposed land use densities and land use maps. The updated plan keeps Boulevard rural with a village core and outlying areas zoned for one dwelling unit for every 80 acres. We do not have any land zoned for industrial use due to our lack of infrastructure, the vulnerability of our groundwater resources and reliance on a volunteer fire department. We do not have a Wal-Mart, Jack In The Box, or any chain store, on any corner. That is the way we like it. We make sacrifices in exchange for a way of life and quality of life that we prefer to urban chaos and clutter.

I currently live with my husband on our 219-acre ranch. Our youngest son and his family live next door on another 150 acres. We are country folk who enjoy living close to nature and the abundant and diverse wildlife that we see everyday. I was born and raised in the Imperial Valley farming community of Brawley, where my family farms. As a teenager, I worked summers in the family tomato packing shed. Back then the air was clear and the Chocolate Mountains were clearly visible across the lush green fields and stark white sand dunes.

Now, smog pours into the valley from LA and Mexicali. Massive rusty and corroded looking geothermal plants spew plumes of who knows what into the air. Steam piping and power lines run rampant around the beautiful and precisely rowed growing fields. Geothermal plants also need evaporation ponds, which can result in brine that needs to be handled as special/hazardous material. They devour millions of gallons of water for reintroduction into the ground to prevent subsidence after the geothermal fluid is withdrawn. My family’s farmland is currently being explored for geothermal wells so I have researched the issue. The Imperial Valley, an economically depressed region with a high minority population and elevated childhood asthma rates has become the dumping ground for obnoxious projects that urban areas do not want to deal with in their own neighborhoods, including numerous prisons, the Stirling Energy Systems proposed solar project near Plaster City on approximately 8,000 acres of BLM
land (DEIR/EIS page B-102) the massive Mesquite Landfill, major transmission
lines including the Sunrise Powerlink, Sempra’s cross-border gas fired power
plants near Mexicali, a proposed sewage sludge incineration plant, and more.

I have read and analyzed much of the DEIR/EIS and most of the filings in the
CPCN case, and have done separate related research. While this is the most
massive and comprehensive document of its type that I have ever seen or
reviewed, and I commend the staff for their amazing skill and efforts, it still does
not give an adequate picture of what will be forever lost if the Sunrise Powerlink
is approved in any of its forms, including the proposed and alternate routes. There
are also some material and factual inaccuracies and deficiencies in the DEIR as
well as new information that needs to be addressed.

While I much prefer the number one New In-Area All-source Generation
Alternative (DEIR/EIS ES-2) there will still be significant and irreversible
impacts to our rural community character and treasured panoramic viewsheds,
natural resources and overall quality of life associated with this alternative. Our
area is identified in both alternatives number one, the New In-Area All-source
Generation Alternative (DEIR/EIS ES-2) and number two, the New In-Area
Renewable Generation Alternative (DEIR/EIS ES-2) for increased industrial wind
facilities, on both tribal and public lands, which come with their own separate and
cumulative high-power transmission lines, substations, property devaluation,
community character destruction, visual and environmental impacts, and potential
eminent domain issues.

Also highly visible from our higher elevation areas with geographically
extensive views like Tierra Del Sol Road, Ribbonwood Road, I-8, and Historic
Route 80, as well as from homes located on hilltops and ridges, is the site for the
Baja Wind proposed for LaRumaosa, just across the border in Mexico near
Jacumba/Jacume. Not only will all of these turbines, for all of these projects, be
visible during the day with their towering and churning industrial silhouettes and
strobe lights, starkly replacing the existing calming and uncluttered views, but at
night they will also have row upon row of blinking red lights that will impact our
currently gorgeous dark skies. The issue of blinking night lighting, and daytime
strobe lighting, is an existing fact at the Kumeyaay Wind Facility on the Campo
Reservation at I-8. It was confirmed in an e-mail message to me, dated 3/11/08
from Francisco J. Urtasum, Sempra’s Director of Local Governmental Affairs,
that similar lighting would be mounted on turbines for the La Rumarosa project.
This issue was not found in the DEIR/EIS in the section related to the
LaRumarosa project on pages B-118-148. Nor was it found in the Visual
Resources Section D.3. We have one of the few dark sky areas left in all of
southern California, which is why Boulevard is home to the San Diego
Astronomy Association’s Tierra Del Sol Observatory that attracts stargazers from
around the world. This is a material factual deficiency and should be address in
the DEIR/EIS.

As for the La Rumarosa Baja Wind US Transmission, LLC, site in Mexico,
referred to in the DEIR/EIS as Rumarosa Wind Developers II, new information
available in Sempra’s December 2007 filing with U.S. Department of Energy
(DOE), and noticed in the February 22, 2008 Federal Register (DOE Docket No
PP-334), documents an increase in the size of the project, the substation, and the
cross-border transmission capacity. The location of the Jacumba substation as
well as the apparent location of the wind generation site (Fig. B-48) have also
changed. The proposed project increased from 250 MW (pg. B-123) to 1,250
MW. The generation location changed from Eastern side of the Sierra Juarez
Mountains (pg. B-124) to what appears to be a more westerly location. The
proposed substation location changed from northwest of Jacumba (Fig. B-47) to
the east of Jacumba closer to the Jacumba Wilderness Area and Big Horn Sheep
habitat. The size of the substation has increased from 20 acres (pg D.2-236) to 80
acres. The proposed transmission line has increased from 230kV (pg. D.2-244) to
one 500 kV or two 230 kV transmission lines per the Sempra DOE application for a Presidential Permit.

Due to the size, scale, and location of this project it will not only be visible from La Rumarosa and Jacumba (DEIR/EIS page D3-205) it will also be highly visible from Tierra Del Sol Road, Ribbonwood Road, and homes located on higher elevation locations throughout the Boulevard area, as well as from Historic Route 80, adding significant Visual Resource impacts as well as additional cumulative impacts. These impacted viewing points were not included on the list of significant impacts at page D.3-205 or under cumulative Visual Resources impacts at page G-39. While Figure B-50 shows views from La Rumarosa, there is no figure showing views of La Rumarosa from these, or any, impacted viewing points. These omissions constitute material factual deficiencies in the DEIR/EIS.

In combination with La Rumarosa, the existing Kumeyaay Wind Facility and other and additional industrial wind generation proposed at McCain Valley and Crestwood (DEIS/EIR Figure ES 2) there will be additional cumulative impacts that are not analyzed in the DEIR and are a material deficiency. The loss of significant visual resources will be compounded with no viable mitigation. At page E.5-103 under the header Key Viewpoint 60-McCain Valley North (VRM) the DEIR/EIS states that “the existing Management Plan is currently being revised and VRM Class for McCain Valley West area is proposed to change to VRM Class IV.” For the record, both the non-profit group Backcountry Against Dumps (BAD) and the Boulevard Community Planning Group filed protest letters opposing the unjustified downgrading of our VRM classifications simply to accommodate for-profit wind generation.

On January 7, 2008, Stephan C. Volker, the attorney for BAD, filed a protest letter appealing the BLM’s proposed Resource Management Plan/FEIR, listing violations of the Endangered Species Act, the Federal Land Policy Management
Act, and various NEPA violations including "...understating the management
plans significant adverse impacts on the visual resource of McCain Valley
contrary to their long-standing classification as high value resources, solely to
accommodate unsightly windpower development that would otherwise be
impermissible in an area of such scenic importance."

In addition to the increased impacts to visual resources, the increased size,
scope and changed location of the Baja Wind project at La Rumarosa, and the
associated Jacumba Substation and transmission lines will also greatly increase
the impacts to the biological resources, natural resources, and overall impacts as
discussed in part on pages D.2.236–268 of the DEIR/EIS.

Our Boulevard community, which would be impacted by multiple alternate
southern routes, including the Environmentally Superior Southern Route
(DEIR/EIS ES-3) already hosts the existing Southwest Powerlink and the 50 MW
Kanehuyay Wind Facility, located on tribal lands over which the County and State
have no land use authority or approval.

When the tribal wind project, whose location was redacted while under
CPUC review, was under construction our little community, along with Jacumba
and several tribal communities were taken off-grid for over a month and had to
rely on SDG&E’s emergency generators with their power surges and brown outs,
which reportedly damaged household appliances and delicate equipment. This
action was necessary to reconduct the existing 69 kV line to accommodate the
new wind energy, but was reportedly not disclosed during the PUC review.
SDG&E was chastised by the County for not noticing them or going through the
proper environmental review process prior to starting work.

Recently, representatives from both PPM Energy and Invenergy LLC have
contacted me. PPM Energy has submitted their Plan of Development (POD) to the
BLM. They are awaiting the release of the Record of Decision (ROD) on the BLM’s Resource Management Plan Update for Eastern San Diego County. While my non-profit group, Backcountry Against Dumps, has protested the proposed downgrading of the Visual Resource Classification on approximately 7,000 acres in McCain Valley to accommodate wind energy, PPM Energy informed me that they have protested the reduction of potential land available from the over 17,000 acres, covered by their ROW for wind testing, to approximately 7,000 (3/6/07 phone call from Ed Clark, PPM Energy). Until the protest issues are resolved and a ROD is released, the total amount of acreage available for wind energy generation is unknown.

A representative for Invenergy LLC has informed me that, as an energy development company with a particular specialty in wind energy, they are currently pursuing potential wind energy projects on public, private and tribal lands in our area (e-mail from Brit Coupent 3/10/08). Kevin Smith is Senior Vice President of Development at Invenergy LLC and the new Chief Operating Officer, Head Development Activities at SolarReserve (www.theindian.com 1/25/08). A Kevin Smith has reportedly been in negotiations with Greg Lansing of Lansing Companies to acquire a controlling 51% interest in the approximately 7,800 Boulevard acres currently under Lansing’s control (e-mail to me from Joe Sterling of Sterling Insights 3/2/08), including the approximately 2,200 acre Big Country Ranch on Ribbonwood Road which is noted in the DEIR/EIS as number 101 on Figure G-8 at G-113. The Lansing acreage is reported to grow by several thousand more acres (e-mail to me from Eric Gibson, Interim Director, San Diego County Dept. of Planning and Land Use 3/5/08). This new information represents the potential for vastly expanded wind energy facilities and all the related and cumulative impacts in the Boulevard area.

These cumulative impacts of multiple industrial wind farms and their related transmission lines and substations, in addition to the another 500 kV line running
through our string of rural low-income communities, would represent a
significant, irreversible, and catastrophic loss of our rural community character,
our treasured visual resources, our natural areas, wildlife and other resources, as
well as property values. All of these cumulative impacts and the irreplaceable
sense of vast open uncluttered views, and breathing room are not sufficiently
discussed in the DEIR.
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Diego Gas &
Electric Company (U 902-E) for a Certificate of Public
Convenience and Necessity for the Sunrise Powerlink
Transmission Project

Application 06-08-010
(Filed August 4, 2006)

PHASE I DIRECT TESTIMONY
OF JERRE ANN STALLCUP
ON BEHALF OF CONSERVATION GROUPS

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Dated: June 1, 2007
Critical environmental concerns that should inform the CEQA/NEPA process

Testimony of Jerre Ann Stallcup, Conservation Biology Institute

My name is Jerre Ann Stallcup. I am a conservation biologist with the Conservation Biology Institute, a nonprofit organization that provides science support for habitat conservation. I have been working in conservation planning in San Diego County and in California for 20 years and am intimately familiar with the conservation plans that may be impacted by the Sunrise Powerlink. My CV is included as Attachment A.

Background

In 1991 the State of California passed the Natural Community Conservation Planning (NCCP) Act which authorized the development of conservation plans intended to benefit the general public through open space conservation, access for passive recreation, and an improved quality of life, while at the same time allowing continued economic development of the region. Because of fast-paced development and associated loss of native vegetation in Southern California, hundreds of species have become increasingly rare or threatened with extirpation or extinction, and dozens of plant and animal species have been listed as Threatened or Endangered by the California Endangered Species Act and the federal Endangered Species Act. The large-scale NCCP programs, which are conducted regionally in conjunction with federal Habitat Conservation Plans (HCP), are intended to replace the species-by-species, project-by-project approach to conservation planning and development permitting by addressing the conservation of multiple habitats, ecosystem processes, and the myriad species they support. Without such planning, species may continue to be federally and state-listed and thereby constrain future development, which would affect employment and the economic health of the region. NCCP programs provide direct economic benefits by reducing constraints on future development.
outside the preserve and decreasing the costs of compliance with federal and state laws protecting biological resources.

The NCCP Act recognizes that Southern California is at the center of a global biodiversity hotspot, 1 of 25 hotspots on the planet, which harbors species that occur nowhere else on Earth (Mittermeier et al. 1998, 1999). San Diego County, which encompasses over 4,200 square miles, has more Threatened and Endangered species than anywhere else in the continental United States. The San Diego region is at the forefront of planning for ecosystem management, with four large-scale NCCP programs underway. Approximately 200,000 acres already have been proposed for conservation as part of the Multiple Species Conservation Program (MSCP) and Multiple Habitats Conservation Program (MHCP), approved in 1997 and 2003, respectively, and much of this conservation has already taken place. The North County and East County MSCP's are projected to more than double this total. These ecosystem-based conservation plans represent unprecedented cooperation and partnerships among local jurisdictions, state and federal agencies, environmental groups, and the development community.

In November 2004 San Diego voters approved, by a 2/3 vote, Proposition A or TransNet, a local transportation initiative that requires and funds conservation, management, and monitoring of lands as mitigation for transportation projects. The TransNet ordinance further emphasizes the public’s continued desire for effective ecosystem conservation in San Diego County.

The completion of the NCCP programs in San Diego County, as originally envisioned, in combination with the backcountry land already committed to conservation by state and federal agencies over the last century, will contribute to the recovery of listed species and prevent the listing of other rare species under the state and federal Endangered Species Acts by conserving functional native habitats representative of the biological diversity of this region. Furthermore, these plans will protect the irreplaceable esthetic and wilderness values that the public expects
for maintaining the region's quality of life.

Implications of the Powerlink to Habitat Conservation in San Diego County

The Sunrise Powerlink, if constructed as proposed, may have significant unmitigable direct and indirect impacts to (1) biological resources and ecological processes and (2) land conservation and management efforts in San Diego County. The NCCP programs were developed to comply with state and federal endangered species acts. Therefore, preserving the integrity of these programs is critical not only to biodiversity conservation, but also to regulatory permit conditions for future development, which relies on these programs for endangered species permits (Attachment B—letter from Mayor Susan Golding, MSCP Plan, August 1998).

The environmental documentation for the Sunrise Powerlink should consider the direct, indirect, and cumulative impacts of construction and maintenance of a transmission corridor across conserved lands in San Diego County, with particular focus on the implications to approved and developing NCCP plans and San Diego’s backcountry wilderness values. The comments below are divided into (1) Direct and Indirect Impacts and (2) Compliance with Existing Plans and Agreements.

1. Direct and Indirect Impacts

The Preliminary Environmental Assessment (PEA) for the Sunrise Powerlink details the direct impacts of the construction and maintenance of the transmission line and associated facilities. It does not adequately address the indirect impacts of this project, which are far more insidious, invasive, and difficult to mitigate for or manage. The direct impacts, including clearing vegetation for construction staging areas, helicopter flight staging areas, access roads and right-of-way, substations, and power structures, will fragment the natural habitats, pocking the landscape with roads, cleared areas, and developed structures, effectively cutting the area into multiple, separate habitat patches. The impacts of this action will be realized in habitat...
The County of San Diego, California Department of Fish and Game, and U.S. Fish and Wildlife Service have developed an NCCP Agreement for proceeding with the East County MSCP (geographic area shown in Attachment C). The agreement establishes a process to review interim development, before the plan is finalized, to ensure that proposed projects are consistent with the preliminary conservation objectives and do not compromise successful completion and implementation of the plan. The Sunrise Powerlink has the potential to compromise or preclude conservation opportunities in the East County plan.

Much of the East County planning area is part of the Las Californias Binational Conservation Initiative (CBI et al. 2004; Attachment D), which has been embraced by federal, state, and local governments and nongovernmental organizations on both sides of the U.S-México border. A subcommittee of the California Biodiversity Council (CBC) (Attachment E) continues to meet on conservation issues in this area, because continued development in the border region threatens to bisect this globally unique ecosystem. A transboundary park has been proposed which would link Anza-Borrego Desert State Park with Parque Constitución de 1857 in Baja California (CBI et al. 2004), and this idea is being pursued through the CBC subcommittee and other forums. Proposed Powerlink alternatives cut through this area, where public and private funding has already been invested in conservation of important properties. Thus, the potential impacts of the Sunrise Powerlink could have binational implications to the shared ecosystems along the border.

Summary
In summary, environmental review of the Sunrise Powerlink should consider:

- Cumulative loss of habitats and species that occur no where else on Earth.
- Greater fragmentation of remaining habitats, increased edge effects, and thus costlier management.
- More roads and thus greater public access to backcountry areas, increasing the threat of fire.

Conservation Biology Institute

25 May 2007
A vision for conservation in the California–Baja California borderlands

What's at Stake

Las Californias, where California and Baja California meet, is at the center of an internationally-recognized biodiversity hotspot (South Coast Floristic Region).

Las Californias harbors an extraordinary number of plants and animals that occur nowhere else on Earth.

Over 400 species in the 2.5-million-acre region are endangered, threatened or otherwise sensitive to human impacts.

Signature species include the federally listed California gnatcatcher, Quino checkerspot butterfly, arroyo toad and Peninsular bighorn sheep.

The region's biodiversity is the product of a wide range of landscape features, including coastal mesas, rolling foothills, vast desert valleys and rugged Peninsular Ranges, combined with dramatic gradients of temperature and rainfall.

Threats

Las Californias is home to a growing metropolitan area (San Diego, Tijuana, Tecate) of over 5 million people.

Encroaching development along both sides of the border threatens to sever the two Californias and jeopardize the future quality of the region's biodiversity.

Opportunity for Binational Conservation

Conservation Biology Institute, The Nature Conservancy and Pronatura, a Mexican non-governmental organization, have joined to conserve the region's biodiversity.

In 2004, the partnership developed a science-based blueprint that represents a future conservation reserve network including:

- large intact wildlands
- irreplaceable resources that are unique or highly restricted in their distribution
- binational corridors that support wildlife movement

This blueprint presents an opportunity for governments, non-governmental organizations, academia and the private sector to work binationally to protect the resource and enrich the health, economy and quality of life for all border residents.

Progress

Approximately 2,500 acres out of 21,700 acres targeted in San Diego County have been conserved.

Pronatura has secured a conservation easement from a private landowner in Baja California to conserve 2,000 acres of habitat at the base of Tecate Peak.

For information on Las Californias contact:

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Miguel Vargas (mvargas@pronatura-noroeste.org)
Las Californias Binational Conservation Initiative

Vision: Protect environmental health, urban greenspaces, restricted species

Vision: Protect ecological processes, landscape permeability, compatible development

Vision: Protect ecosystems services, wildlife corridors, sustainable communities

Vision: Protect ecological function and intactness, and the viability of representative biodiversity
ATTACHMENT E

CALIFORNIA BIODIVERSITY COUNCIL

DATE: November 9, 2006
FROM: Mike Chrisman, Secretary for Resources  
Co-Chair, California Biodiversity Council

TO: California Biodiversity Council and Other Interested Parties

SUBJECT: Council Thanks and Update, Biodiversity Along the Border Committee

Thanks to all of you for making our September 27-28 Council field tour and meeting in San Diego a great success. As you know, the Council decided to form a "Biodiversity Along the Border Committee" to follow up on several natural resources issues common to both Mexico and the United States. We also asked that the executive committee and staff organize a meeting of the new committee prior to December 14, our next Council meeting.

I'd also like to give you a short update on our progress since September 28.

Mike Pool, state director, Bureau of Land Management, and I have discussed the new committee. The Resources Agency will lead this effort as the work will largely involve coordinating programs led by the State of California and the State of Baja. CBC staff lead Mike Chapal, US Forest Service, will serve as my coordinator as we begin this project. Mike will work with Ricardo Martinez (State Water Resources Control Board) to coordinate work from Sacramento.

On October 6, the CBC executive committee recommended that we hire a part-time local project coordinator. Janet Fairbanks was identified by the committee for that role and has agreed to participate. Recently retired from SANDAG, Janet had the lead role in organizing our September meeting. As the necessary arrangements to bring Janet on board are in the works, she and Mike are drafting a work plan for the Biodiversity Along the Border committee. To date, we have confirmed that the following CBC members have agreed to serve on the committee:

California Department of Fish and Game
California Department of Parks and Recreation
California Environmental Protection Agency
Update
November 9, 2006
Page 2

California Department of Forestry and Fire Protection
California Resources Agency
Integrated Waste Management Board
SANDAG
State Water Resources Control Board
USDA Forest Service
USDA Natural Resource Conservation Service
USDI Bureau of Land Management
USDI Fish and Wildlife Service
USDI Geological Survey
U.S. Environmental Protection Agency
U.S. Geological Service

It would be most helpful if the listed agencies could provide the name of their primary
contact for this project as soon as possible. All remaining CBC members are
encouraged to participate if they are willing to help us pursue the action items listed
below that were discussed at the meeting. Please contact Mike Chapel or Lauren
McNees if your agency is interested in participating. If your agency has already
committed to participate, please send the contact information for your committee
representative to Lauren McNees as soon as possible.

In sum, the action items that we identified for our new committee on September 28 are:
  • Identifying next steps for pursuing the Las Californias Binational Conservation Initiative
  • Considering new or revised conservation easements in the region
  • Seeking funds for several water quality improvement projects in the Tijuana River Basin

We are also planning to invite participation by the governments of Baja, Tijuana, and
Tecate. The Border Patrol Agency is not a member of the CBC, but we will also seek
their assistance. Some key non-profit groups such as The Nature Conservancy and
Pronatura will also be asked to join.

As always, we welcome your thoughts on our planning and progress. I look forward to
working with many of you as we begin this important new effort. If you have questions
or comments about this project, please forward them to Mike Chapel (916.496.5323 or
mchapel@fs.fed.us) or Lauren McNees (916.445.5845 or lauren.mcnrees@fire.ca.gov).
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Diego Gas & Electric Company (U 902-E) for a Certificate of Public Convenience and Necessity for the Sunrise Powerlink Transmission Project

Application 06-08-010
(Filed August 4, 2006)

PHASE II DIRECT TESTIMONY OF JERRE ANN STALLCUP ON BEHALF OF THE CENTER FOR BIOLOGICAL DIVERSITY AND THE SIERRA CLUB

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Dated: March 12, 2008
Testimony of Jerre Ann Stallcup, Conservation Biology Institute
Sunrise Powerlink Transmission Line Project

My name is Jerre Ann Stallcup. I am a conservation ecologist with the Conservation Biology Institute (CBI), a nonprofit organization that provides science support for habitat conservation through applied research, planning, education, and community service. I have been working in conservation planning and habitat management in California, with a focus in San Diego County, for 20 years, and I am intimately familiar with the conservation plans and the specific areas that may be impacted by the Sunrise Powerlink alternatives. I was project manager for the Multiple Species Conservation Program (MSCP) in southwestern San Diego County and project director for the Multiple Habitat Conservation Program (MHCP) in north coastal San Diego County. In addition, I am providing expert advice to County staff and wildlife agencies on the North County MSCP plan, the East County MSCP plan, and General Plan 2020. My work on the Las Californias Binational Conservation Initiative over the past 6 years has given me additional experience and familiarity with biological resources in the southern and eastern parts of San Diego County, southern Imperial County, and Baja California. In addition to these regional planning programs, I have been working in habitat management and monitoring of conserved natural areas for the past 9 years and have personally observed the profound impacts created by edge effects and fragmentation, and the management issues and costs that arise on habitat patches isolated by development and roads.

The following comments reference the Draft EIR/EIS (DEIR/DEIS) for the Sunrise Powerlink Project and incorporate by reference my earlier Phase I testimony and attachments, including my CV (Stallcup 2007).

Conservation Biology Institute

12 March 2008
distributions, prioritized by the plans.

3. Conflicts with *Las Californias Binational Conservation Initiative* and existing conservation investments

The *Las Californias Binational Conservation Initiative* (LCBCI) has been adopted by the U.S. Bureau of Land Management (BLM), California State Parks, and the California Biodiversity Council (CBC), among others, as part of the planning visions of these agencies, and yet the Powerlink documents do not address the implications of the proposed project to this regionwide conservation planning effort (Stallcup 2007). For example, BLM is incorporating LCBCI objectives and conservation targets in the updates for its South Coast Resource Management Plan, and California State Parks just acquired the cornerstone for the Parque-to-Park binational linkage which has been adopted by a border coordination committee appointed by the CBC (Eade-Jacumba property, Map 2). Conservation efforts are also underway in the Sierra Juárez to make this binational park a reality. The Powerlink documents should evaluate the implications and impacts of the I-8 alternative, which would impact the newly acquired Eade-Jacumba property, as well as the impacts of the La Rumorosa wind farm in the Sierra Juárez (Map 3). The Powerlink documents should also evaluate the implications and impacts of the I-8 alternative-Campo North Option and Modified Route D alternative on the La Posta linkage, which is a critical part of LCBCI (Map 4).

Conclusions

An enormous amount of money, time, resources, and passion has been invested in conservation in San Diego County and, as a result, over 1.9 million acres of natural areas have been protected in San Diego County alone (not including western Imperial County), through unprecedented cooperation and partnerships among local, state, and federal agencies and private conservation groups (Stallcup 2007). Maintaining the long-term viability of these protected areas relies on buffering them from habitat loss and degradation and securing connections to other intact areas. Only in this way can the integrity of the land and the natural ecosystem processes that shape its
PHASE II DIRECT TESTIMONY OF ESTHER RUBIN ON BEHALF OF THE CENTER FOR BIOLOGICAL DIVERSITY AND THE SIERRA CLUB

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Dated: March 12, 2008
Critical Review of Bighorn Sheep Impacts Described in the
Draft Environmental Impact Report/Environmental Impact
Statement, January 2008

Testimony of Esther S. Rubin, Ph.D., Conservation Biology Institute

My name is Esther Rubin. I am an ecologist with the Conservation Biology Institute, a nonprofit organization that provides scientific expertise to support conservation and recovery of biological diversity in its natural state through applied research, education, planning, and community service (www.consbio.org). I have studied bighorn sheep (Ovis canadensis) in the Peninsular Ranges of southern California for 14 years. I conducted my doctoral research on this population (2000, dissertation title: “The Ecology of Desert Bighorn Sheep [Ovis canadensis] in the Peninsular Ranges of California”, University of California, Davis), conducted post-doctoral research on their habitat use and social behavior (Millennium Post-doctoral Program, 2000-2005, Conservation and Research for Endangered Species, Zoological Society of San Diego), and have published multiple peer-reviewed scientific articles related to bighorn sheep in these mountains.

As part of these projects, I have conducted field work in the desert regions where the project and alternatives are proposed. In 1999, I was invited to be a member of the USFWS Recovery Team for this population, and was lead author on the USFWS Recovery Plan for bighorn sheep in this population (USFWS 2000). I continue to work with team members from the Zoological Society of San Diego, California Department of Fish and Game (CDFG), U. S. Fish and Wildlife Service (USFWS), California Department of Parks and Recreation, and other collaborators to guide recovery actions for this population. I am also an invited member of the Independent Science Advisors Panel for the San Diego County Multiple Species Conservation Plan (MSCP).

I provide this testimony to clarify and expand the discussion of potential impacts of the proposed Sunrise Powerlink and alternatives to bighorn sheep presented in the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS). My CV is included as Attachment A.
general, may cause disturbance to wildlife, and the report discusses the impact of noise to specific bird species and that cracking noises from wet powerlines may disturb bighorn sheep, the DEIR/EIS does not address or estimate the distance that construction and maintenance sound may travel uphill onto nearby slopes.

I agree with the conclusion of the DEIR/EIS that impacts to bighorn sheep and their habitat would be significant and not mitigable. I also agree with the statement that the suggested mitigation measures would not reduce impacts to below significant levels. For example, if the Proposed Project causes the population to be severed into two, no amount of monitoring, habitat restoration, or habitat acquisition will re-establish that connectivity.

**Connected Action - La Rumarosa Wind Project**

The La Rumarosa Wind Project is considered a connected action of the Proposed Project because it is closely linked to the Proposed Project (DEIR/EIS, p.B-5). A long-term goal stated in the Recovery Plan for bighorn sheep in the Peninsular Ranges is to re-establish connectivity with populations of bighorn sheep south of the US-Mexico border (USFWS 2000, p.79). Although suitability of current conditions south of the border (in terms of livestock grazing, disease risk, and land management practices, etc.) must first be assessed, re-establishing connectivity to populations south of the border will increase the long-term viability of the U.S. Peninsular Ranges population. This goal is consistent with the *Las Californias Binational Conservation Initiative* (LCBCI), a collaborative project of CBI, The Nature Conservancy, Terra Peninsular, and Pronatura, which strives to protect ecological integrity and connectivity for the full complement of natural communities, processes, and wide-ranging species in the Las Californias region (CBI et al. 2004). The LCBCI has been adopted by the U.S. Bureau of Land Management, California State Parks, and the California Biodiversity Council, among others, as part of their agency planning visions. As part of the LCBCI, a trans-boundary park has been proposed which would link Anza-Borrego Desert State Park with Parque Constitución de 1857 in Baja California (CBI et al. 2004). As part of this planning effort, we have developed a preliminary bighorn sheep habitat model, to evaluate where bighorn sheep habitat (and targets for protection) might occur south of the border. The attached map (Attachment B) indicates potential bighorn sheep habitat south of the border. La Rumarosa and the proposed wind
generation plant to its east are both in potential bighorn sheep habitat, within a rather narrow ribbon of habitat that provides the crucial link between bighorn sheep populations on either side of the border. This is consistent with statements in the DEIR/EIS (p. D.2-248) that bighorn sheep likely occur in the Mexican right-of-way (ROW) for this project, according to Mexican government records. The proposed wind generation plant could therefore have negative impacts on bighorn sheep in the area, and provide an obstacle to movement of bighorn sheep through this area. Although the impact of wind generation turbines on species such as bighorn sheep is not well understood, it is likely that the infrastructure required to support a large array of turbines (such as roads, transmission lines, and substations), and the construction and maintenance activities associated with this infrastructure, can result in extensive habitat loss and fragmentation (Kuvesky et al. 2007).

The DEIR/EIS is correct in stating that development of the La Rumarosa wind project, as a connected action of the Proposed Project, could have significant and unmitigable adverse impacts on bighorn sheep. Although bighorn sheep in Mexico are not part of the U.S. Federally listed population, negative impacts to their populations jeopardize a long-term recovery goal for Federally listed bighorn sheep in the U.S. (namely, to re-establish connectivity to Mexican populations). Although sources cited in the DEIR/EIS (Bighorn Institute 2007) state that there are many more bighorn sheep in Baja California, Mexico, accurate estimates for the entire population do not exist, and very little is known about abundance and distribution of bighorn sheep just south of the international border (J. DeForge, Bighorn Institute and R. Lee, Foundation for North American Wild Sheep, personal communication). In addition to mitigation measures listed in the DEIR/EIS, impacts of this project may be minimized by conducting surveys to determine bighorn sheep distribution in the region, and then locating the wind project and associated infrastructure outside of bighorn sheep habitat.

**Partial Underground 230kV ABDSP SR78 to S2 Alternative, with/without All Underground Option**

This alternative would have less negative impacts than the Proposed Project, because of the lack of a 500kV overhead line. However this alternative still would have adverse impacts on bighorn sheep from extensive construction activities, as correctly described in the DEIR/EIS. I do not list
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Diego Gas &
Electric Company (U 902-E) for a Certificate of Public
Convenience and Necessity for the Sunrise Powerlink
Transmission Project

Application 06-08-010
(Filed August 4, 2006)

PHASE II DIRECT TESTIMONY OF TRAVIS LONGCORE ON BEHALF OF
THE CENTER FOR BIOLOGICAL DIVERSITY AND THE SIERRA CLUB

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Dated: March 12, 2008
My name is Travis Longcore. I have been retained to provide written and oral testimony on the biological impacts of the proposed Sunrise Powerlink Transmission Project with special emphasis on avian collision and electrocution and other impacts to birds. I am currently Research Assistant Professor of Geography at the University of Southern California Center for Sustainable Cities where I am Director of Urban Ecological Research. I am also Science Director of The Urban Wildlands Group, a Los Angeles-based conservation nonprofit. I have taught for seven years at UCLA for the Department of Geography, Institute of the Environment, and Department of Ecology and Evolutionary Biology. Courses taught include Environmental Impact Assessment, Bioresource Management, Ecology, and Field Ecology.

For the past ten years I have consulted on land use issues, providing expert opinion on the compliance of proposed projects with various laws, including the California Environmental Quality Act, National Environmental Policy Act, California Coastal Act, Endangered Species Act, and Migratory Bird Treaty Act. In this capacity I have reviewed dozens of environmental reports and evaluated the quality of their biological resources analysis. I have expertise in the scientific literature describing avian collisions with structures, particularly with lighted communication towers, but also with wind turbines and other structures. Further information about my background can be found in the attached curriculum vitae.

This testimony is based on the Draft Environmental Impact Report/Environmental Impact Statement and Proposed Land Use Plan Amendment ("DEIR/EIS"), peer-reviewed scientific articles that are cited herein, assumptions predicated on these sources, and expert opinion supported by these facts and assumptions.

Collision Impacts

The DEIR/EIS does not provide adequate data to describe and mitigate the impacts resulting from avian collisions with the proposed power transmission lines. Guidance for identifying and mitigating impacts from collisions is available (APLIC 1994) and the DEIR/EIS claims that the project will follow these guidelines in designing and siting towers. The applicant shall install the transmission lines utilizing Avian Power Line Interaction Committee standards for collision-
Reducing techniques as outlined in "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994" (p. D.2-147). APLIC is a well-respected utility-supported organization that is run by the Edison Electric Institute, which is the research arm of the utilities. The authors of the APLIC guidelines include a U.S. Fish and Wildlife Service biologist, a respected ornithologist from Clemson University, and a retired electrical engineer from a utility company (APLIC 1994). They received input from a broad range of electric utility companies and the resulting guidelines are widely accepted by the industry. A comparison of these guidelines and the DEIR/EIS reveals, however, that these techniques have not been utilized in the siting and design of towers for this project.

It deserves mention that avian collisions with power lines can be reduced through tower design and siting decisions, but collisions cannot be eliminated (Alonso et al. 1994; Brown and Drewien 1995; Janss and Ferrer 1998). Even a single tower can kill many birds in a single night under adverse conditions, as was shown by a 100-foot unlighted communication tower on a ridge in West Virginia that killed 75 birds in a single night (Wylie 1977). This type of blind collision can occur during the day as well (Emerson 1904; Bevanger 1998; Janss 2000). Even after following all possible mitigation measures currently available, avian collisions will continue to occur with power lines. For this reason, site planning is critically important to minimize impacts of new routes. As summarized by Janss (2000), "Because mitigation measures only reduce collision mortality, but do not solve it, adequate route planning of power lines is especially important."

APLIC (1994) provides the following guidance on route planning:

- Keep lines distant from areas where birds are taking off or landing (e.g., wetlands).
- Keep lines below the height of vegetation (in forests).
- Avoid topographic features that concentrate migratory birds (e.g., mountain passes, river valleys).
- Orient lines parallel to primary flight patterns.
- Minimize the horizontal distribution of lines by placing them all at the same height rather than stacked at different heights. This is especially important because the majority of collisions occur with the overhead ground wire, which is typically smaller than other wires and virtually invisible to birds in flight.

- 2 -
Obviously a certain amount of field reconnaissance is necessary to gather the information needed to follow these guidelines. APLIC (1994) provides an entire chapter describing methods to observe birds in power line corridors and to evaluate the presence of birds for potential new corridors. They conclude:

“All items that could affect the success of the project must be considered and evaluated before the line is built. In general, the purpose of preconstruction studies is to obtain information on bird flight altitudes, directions of flight, intensity of movement, species composition, and temporal variations in flight activity in and about the corridor. Day-time and night-time observations should be made by individuals who can identify birds correctly and gather quantitative data in a systematic fashion” (APLIC 1994).

The DEIR/EIS, despite claiming to follow the APLIC guidelines as part of mitigation measure B-10a, does not show any evidence that project applicants have done so in planning the route and designing the towers.

Some effort is made in the DEIR/EIS to identify migratory pathways for birds. These pathways are shown on several figures (D.2-1, D.2-2, D.2-3). The source given for these pathways is two email communications between a staff member at the San Diego Natural History Museum and consultants for the proposed project (p. D.2-540). The applicant has an obligation under the APLIC guidelines to collect data regarding the distribution, behavior, species composition, and collision susceptibility of the birds that will encounter all portions of the proposed project. Unfortunately, the DEIR/EIS incorrectly claims that it is not possible to know how many birds or what species might be impacted by the proposed projects (D.2-146 and repeated several times thereafter). To the contrary, the APLIC guidelines identify many techniques to evaluate the bird use of areas in route planning. These include: daytime and nighttime visual observation using tools to measure distance and altitude of birds (clinometers and theodolites), closed circuit television recordings, night vision tools such as image intensifiers, forward looking infra-red devices, and radar. In fact, radar techniques were developed to detect birds specifically to evaluate the risk of new transmission lines in 1978 (Korschgen et al. 1984). These tools can be used to develop a reasonable assessment of the quantity and general species composition of birds that might be at risk of collision. Examples of such efforts are available in the published literature. Williams et
al. (2001) used radar, visual observations, and a ceilometer to describe birds migrating through a mountain pass. Mabee and colleagues have described bird numbers and altitude of flight using radar at proposed wind power sites (Mabee and Cooper 2004; Mabee et al. 2006). Others have used nocturnal flight calls to identify passing migrants (Farnsworth et al. 2004; Farnsworth and Russell 2007).

It is common for energy projects that may impact migratory birds to include detailed studies of bird migration using a combination of visual observation and radar investigation as part of the environmental review process. The APLIC guidelines cite three such examples (James 1980; McKernan et al. 1982; Gauthreaux 1991). A cursory Internet search reveals many other examples of pre-construction monitoring of birds for potential impacts, including reference to a study of "bird migration in relationship to a proposed powerline and proposed mitigation" by the Golden Valley Electric Association in Alaska, and numerous studies of risk to birds from wind power projects (Mabee and Cooper 2004; Mabee et al. 2006). There are consulting firms that specialize in such studies, offering services such as "monitor rates of nocturnal and diurnal bird migration/movements" and "identify migration and movement corridors for birds" (www.abriac.com). For projects with potential impacts from avian collision, fieldwork using radar and other techniques is common (Korschgen et al. 1984; Cooper et al. 1991; Harmata et al. 1999; Deng and Frederick 2001; Gauthreaux and Belser 2003; Mabee and Cooper 2004; Mabee et al. 2006).

Although the DEIR/EIS should rely on data gathered in the field at proposed transmission line sites to assess the collision risk of potential structures, it is remarkable that the DEIR/EIS contains no data from San Diego Gas & Electric regarding collisions (or electrocutions) of birds at existing high voltage transmission lines. Given the environmentally oriented operating procedures described in the DEIR/EIS, it would seem that SDG&E personnel would have collected data regarding collision events (incidental observations made by maintenance staff) or electrocution events resulting in power outages. Other utilities collect such data, especially on electrocutions, because they result in service interruptions (APLC 1994, 2006). Although such data are rarely collected by systematic surveys, they would at least give an indication of the patterns of species vulnerability to collision and electrocution in the project area at existing transmission lines.
Absent data from original studies or incidental observations from SDG&E at existing lines, potential mortality and vulnerable species must be discerned from the scientific literature. Although most migrants travel at altitudes greater than the tops of the proposed towers (Able 1970; Bellrose 1971), a certain proportion of migrants is found nearer the ground, especially during inclement weather or daytime migration (APLIC 1994). Mabee and Cooper (2004) found that at two locations in Oregon, 12–14% of spring migrants were flying below 100 m (328 feet). For a fall migration in West Virginia, 12.7% of birds flew below 100 m (Mabee et al. 2006). These studies show that at given times birds are migrating at an altitude where they could collide with powerlines (e.g., below 100 m).

Ornithologists have identified characteristics that make certain bird species especially vulnerable to collisions (Bévanger 1994; Savereno et al. 1996; Bévanger 1998; Janss 2000). Rails, coots, and cranes (Gruiformes) are most frequently recorded birds killed at powerlines (Bévanger 1998). Other groups at risk include waterbirds and diving birds such as ducks (Anseriformes) and loons (Gaviiformes), which also have high “wing loading,” which means that their wings are small relative to their weight (Bévanger 1998). These species are unable to maneuver to avoid powerlines, especially in low visibility conditions. Many shorebirds (Scolopacidae) are collision victims, partially because they encounter many lines in their long migratory routes (Bévanger 1998). Aerial predators, such as swifts, many raptors, and even gulls, are at risk because they spend so much time in flight that they have an increased probability of colliding with wires than other species that fly less (Bévanger 1998; Janss 2000).

Collision mortality is of particular concern for species that are in decline (Bévanger 1998; Janss 2000). Usually such species are identified as “sensitive” or are formally listed as threatened or endangered species. For those bird species identified as sensitive in the DEIR/EIS, many fall into groups that are susceptible to collision with power lines. These include the raptors (Cooper’s hawk, golden eagle, long-eared owl, ferruginous hawk, Swainson’s hawk, northern harrier, white-tailed kite, prairie falcon, bald eagle), common loon, greater sandhill crane, least bittern, and long-billed curlew. Also at risk are all smaller migratory species, which are killed in collisions but are much more difficult to locate under wires than larger species.

The DEIR/EIS fails to recognize the hazard posed to resident and migratory birds of the Salton
Sea and the agricultural fields to the south of it. The proposed northern route would pass along and through the western edge of the agricultural zone and within two miles of the Salton Sea itself. The agricultural fields are even more important than the Salton Sea itself to many wading birds (cattle egret, white-faced ibis, sandhill crane) and shorebirds (mountain plover, whimbrel, long-billed curlew) (Shuford et al. 2002), yet the DEIR/EIS does not recognize the increased risk of mortality posed by a new transmission line through this essential habitat. Furthermore, the DEIR/EIS does not identify the risk of constructing a power line across San Felipe Creek, less than 1.5 miles from wetland habitats on the southwestern edge of the Salton Sea. This area is identified as supporting particular concentrations of colonial waterbirds (Shuford et al. 2002). Because of the proximity to wetland habitats associated with the Salton Sea and the rather extensive marsh and stream habitats along San Felipe Creek and San Sebastian Marsh, birds can be expected to move between the Salton Sea and the San Sebastian Marsh. These will include members of the very groups of birds that are at high risk of collision with power lines. Indeed, the earliest records of power line mortalities are derived from exactly this situation, where power lines are located between and adjacent to wetland habitats (Emerson 1904).

The DEIR/EIS should consider impacts to sensitive bird species at the Salton Sea from collision with the Imperial Valley Link (Table 1). These species have morphological characteristics that predispose them to collisions with power lines (Bevanger 1998; Janss 2000) and the DEIR/EIS fails to identify many of them as being impacted by the proposed power line.

Table 1. Sensitive species associated with Salton Sea and agricultural lands (Shuford et al. 2002) that are vulnerable to collision with power lines (Emerson 1904; McNeil et al. 1985; Bevanger 1998; Janss 2000). Status is indicated as California Bird Species of Special Concern (BSSC), federal Birds of Conservation Concern (BCC), and listing status under state and federal endangered species acts.

<table>
<thead>
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<th>Species</th>
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<tr>
<td>brown pelican</td>
<td>Federally endangered</td>
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<tr>
<td>American white pelican</td>
<td>California BSSC, Federal BCC</td>
</tr>
<tr>
<td>American bittern</td>
<td>Federal BCC</td>
</tr>
<tr>
<td>least bittern</td>
<td>California BSSC, Federal BCC</td>
</tr>
</tbody>
</table>
greater sandhill crane California threatened, Fully Protected Species
lesser sandhill crane California BSSC
white-faced ibis Federal BCC
wood stork California BSSC
fulvous whistling-duck California BSSC
black rail California Threatened, Federal BCC
Yuma clapper rail Federal Endangered
greater sandhill crane State Threatened, Fully Protected Species
long-billed curlew Federal BCC

Collision with power lines is the principal cause of death for sandhill cranes (California Department of Fish and Game 1994), which are threatened and fully protected species in California. Collisions occur during migration and when power lines are found in feeding areas (Krapu et al. 1984; Windingstad 1988). The construction of major power lines within known feeding areas south of the Salton Sea would constitute a significant impact to sandhill cranes, which the DEIR/EIS overlooks entirely.

Part of the risk to waterfowl from power lines is that waterfowl rarely fly under power lines but rather attempt to gain altitude and fly over them (Morkill and Anderson 1991). This makes them vulnerable, especially when they see transmission lines and gain altitude, only to collide with the nearly invisible ground wire above the energized lines (Morkill and Anderson 1991). Marking ground wires is consequently a common mitigation technique (APLIC 1994; Brown and Drewien 1995; Janus and Ferrer 1998).

The proposed aboveground transmission line routes would be a permanent hazard to resident and migratory birds. Far greater field data must be conducted to describe this risk, but it is probably significant in most of the undeveloped regions of the project area. The proposed project design, as far as it is revealed in the DEIR/EIS, does not minimize those impacts, nor does it follow the APLIC recommendations to do so.

1. Keep lines distant from areas where birds take off or land. The Imperial Valley Link
cuts through habitat highly utilized by wintering birds (agricultural lands) and between wetland habitats. The Anza-Borrego Link, Central Link, and Inland Valley Link traverse habitats where dense populations of birds live and through which many species migrate. No mitigation for the Imperial Valley Link is even proposed.

2. *Keep lines below the height of vegetation.* This minimization measure is not available for the proposed project because the vegetation types through which the lines would pass are not forested.

3. *Avoid topographic features that concentrate migratory birds.* Although the proposed routes do not follow ridgelines, they do follow valley floors, which can also concentrate migrants. Furthermore, no data were collected to describe the movement of birds across the various project areas so no conclusions can be reached whether migratory pathways have been avoided.

4. *Orient lines parallel to primary flight patterns.* No studies were conducted to determine these flight patterns, but the extent of the project guarantees that this recommendation cannot be followed throughout.

5. *Minimize horizontal distribution of lines.* The proposed project fails to follow this recommendation. The 500 kV tower design includes two ground wires at the top of the tower with the main circuits hanging below. In areas with the 69/92 kV underbuild the towers include three heights of wires spread over 60–70 feet (Figure B-19). All of the steel pole towers show circuits at several heights (B-16 to B-18) rather than at the same height. None of these designs are consistent with the APLIC (1994) recommendations because they spread the wires over a vertical area of 60–80 feet. If all cables were to be at one level, one change in altitude would allow birds to avoid them (Janss 2000). The current designs therefore do not minimize collision risk to birds.

Mitigation Measure B-10a further suggests the use of diversion devices for a portion of the project in the Imperial Valley and Anza-Borrego links. Diversion devices can reduce mortality of birds by 50% and sometimes 75% (Morkill and Anderson 1991; Alonso et al. 1994; Brown and Drewien 1995; Janss and Ferrer 1998). Such a reduction is an improvement, but certainly does
not represent reduction of the significant impact to a less than significant level given the miles of lines to be installed and the vulnerable species known to live and migrate near these lines. Appropriate studies of these transmission corridors following the APLIC (1994) guidelines would allow for an adequate description of additional risk to birds from collisions with the proposed lines but these studies have not been conducted. Sufficient data are not presented in the DEIR/EIS to support the claim that impacts to birds from collision with the proposed transmission lines would be mitigated to a less than significant level and indeed, collisions could result in take of federal and state protected species.

Electrocution Impacts

Electrocution by power lines is a significant source of mortality for some bird species to the extent that population density and distribution is altered (Sergio et al. 2004). The DEIR/EIS describes a project that will consist of large transmission lines, while most mortality from electrocution derives from smaller distribution lines where the separation between wires is smaller (Lehman 2001; APLIC 2006). The proposed project also involves relocation of a 69 kV distribution line along the Central Link of the project (p. D.2-144). Although the DEIR/EIS argues that the electrocution risk will be the same as before, this relocation makes the relocated distribution line part of the project and therefore impacts must be identified, minimized, and mitigated. The project also does not fully account for the collision risk posed by the 69 or 92 kV underbuilds along several project links. The depictions of such structures (Figure B-19) do not provide measurements of the distances between the energized conductors and between the innermost conductor and the steel structure. The renderings are apparently not to scale, but it seems possible that the underbuild lines might be close enough to allow for electrocution of birds.

The DEIR/EIS does not discuss the potential of "streamers" to cause flashovers on power lines. "Streamers" are long streams of bird excrement that can span energized conductors and other line structures. A flashover is a fault that originates on the energized conductor and travels through the streamer to the structure (APLIC 2006). These may cause power outages and occasionally bird mortalities (APLIC 2006). The DEIR/EIS should discuss this potential problem relative to the tower designs proposed for the project.
Transmission Towers as Perches

The construction of transmission towers across areas that have few natural perches can dramatically alter the distribution of raptors and ravens (Knight and Kawashima 1993; Knight et al. 1993). For example, a study of raptor habitat use and density following construction of a 230 kV transmission line with 75-foot towers across open prairie in Colorado showed a significant increase in raptor density within 1,300 feet (4.4 km) of the towers (Stahlecker 1978), essentially changing the distribution of raptors across the landscape. Although towers were 1.5% of the available perches, they accounted for 81% of raptor perch sites (Stahlecker 1978). Such artificial concentration of predaceous species by power lines has been confirmed in other studies (Knight and Kawashima 1993) can have adverse impacts on prey species (Lammers and Collopy 2007).

The DEIR/EIS acknowledges that transmission towers would provide additional nest sites for red-tailed hawks but asserts that the number of red-tailed hawks would be controlled by prey availability (p. D.2-148). This argument does not, however, account for the altered distribution of raptors within the landscape that results from transmission tower construction (Stahlecker 1978). This impact is in fact significant because of the concentration of predator activity in certain areas and its effects on sensitive species. The DEIR/EIS offers no mitigation for this impact.

The mitigation proposed for increased density of ravens associated with transmission towers is to develop a raven control plan for Anza-Borrego State Park and in habitat for desert tortoise and flat-tailed horned lizard (MM B-11a, b). Ongoing lethal control of ravens, as implied by the text of the mitigation measure, is far less desirable than avoiding such impacts. Undergrounding lines along existing roads would avoid this impact entirely.

Noise

The analysis in the DEIR/EIS of the impacts of increased noise from construction and operations on sensitive bird species relies on the faulty assumption that they are not affected by noise levels less than 60 dB(A). The DEIR/EIS applies this standard to least Bell’s vireo, southwestern willow flycatcher, California gnatcatcher, and other species. Least Bell’s vireo was located along the proposed route in the Anza Borrego Link (Yaqui Well) and Central Link (assumed present at MP 101), while southwestern willow flycatcher is assumed present along the Central Link (MP
101). These species were located or assumed present along several of the alternative routes as well.

The 60 dB(A) threshold for impacts on avian species was established in 1981 by a study conducted for the San Diego Association of Governments in which "it was theoretically estimated that noise levels in excess of 60 dB(A) Leq in [Least Bell's] vireo habitat would mask the bird's song, subsequently reducing the reproductive success of this species during their breeding season..." (County of San Diego 2000). This study, on which the U.S. Fish and Wildlife Service apparently based its acceptance of the 60 dB(A) threshold as well, to our knowledge has never been published or peer reviewed. The DEIR/EIS refers to Bowles and Wisdom (2005) as a source for the standard but this published abstract of a conference paper questions, and does not support, the use of the 60 dB(A) standard.

Since 1991, scientific understanding of the effects of noise on birds has improved greatly, with studies published that present heuristic and mathematical models that quantify the pattern of impacts caused by noise (Hill 1990; Reijnen and Foppen 1994; Reijnen et al. 1996; Reijnen et al. 1997; Forman et al. 2002; Peris and Pescador 2004; Slabbeekoom and Ripmeester 2008). Rather than relying on undocumented research nearly two decades old, it is incumbent upon the applicant to incorporate the best and most up-to-date scientific evidence of the impacts of noise on breeding birds in the environmental analysis of the proposed project.

![Figure 1. Threshold model for relative breeding density of birds plotted against traffic noise, where T is the threshold value and R the value at the roadside or other noise source. The decrease factor of the density = area of A/(area of A + B). Caption and figure reproduced from Reijnen et al. (1995).](image-url)
In the late 1990s, a group of Dutch ecologists investigated the effects of traffic noise on breeding bird density. Of 45 bird species investigated in woodlands in The Netherlands, 33 showed significantly depressed breeding density near roads. All species in the small passerine families Sylviidae, Fringillidae, and Emberizidae were affected by noise (Reijnen et al. 1997). This research also showed that noise effects followed a threshold model (Reijnen et al. 1995). This means that up to a certain noise level, no decrease in density is observed. When noise increases beyond that threshold level, bird density decreases dramatically in the area between the location at which that threshold is met and the road (Figure 1). The decreased density over the area with noise greater than the threshold level ranges from 30% to 100% and is known as the "decrease factor" (Reijnen and Foppen 1995; Reijnen et al. 1995). These two variables, the threshold and the decrease factor, describe the impact of road noise on breeding birds. Empirical measurement of the threshold value in woodlands shows that for all bird species combined the threshold value is 42-52 dB(A), with individual species exhibiting thresholds as low as 36 dB(A) and as high as 58 dB(A) (Reijnen and Foppen 1995; Reijnen et al. 1995). Furthermore, years with overall low population densities showed lower threshold levels. This information can be used to evaluate the impacts of noise from the proposed project from construction, maintenance, and operation (corona noise).

The least Bell's vireo and southwestern willow flycatcher are small songbirds that rely on hearing songs to attract mates and defend territories. Habitat for both species would be impacted by noise from the proposed project (Figs. Ap8C-06, Ap8C-10). The studies of road noise from Europe include similar small songbirds that use acoustical communication. The threshold levels for two European warbler species (Phylloscopus sibilatrix and Phylloscopus trochilus) are 26 dB(A) and 39 dB(A), with decrease factors of 0.61 and 0.38, meaning breeding density was diminished to ~40-60% of undisturbed levels (Reijnen et al. 1995). From the published literature, therefore, a reasonable threshold based on similar species for least Bell's vireo and southwestern willow flycatcher would be 40 dB(A) or below. Data from California support this conclusion. In 1999, Haas recorded sound levels (one hour A-weighted Leq) at 87 locations in the vicinity of the southwestern willow flycatcher colony along the San Luis Rey River in the vicinity of the Lake Henshaw Dam. The study site harbors the most robust and stable southwestern willow flycatcher colony in California. Sampling locations were established along the river; 100 meters
(the approximate average length of a southwestern willow flycatcher territory within the colony) separated each location. The territories were nearly identical in all habitat characteristics except sound level. Of these territories, 44 were occupied by either a pair of flycatchers (n = 42) with a nest, a solitary male (n = 1), or a solitary female (n = 1). Using sound as the independent variable, and occupancy as the response variable, I completed a logistic regression on these data. The results were highly significant (p < 0.0001, r^2 = 0.49), indicating with certainty that territory occupancy is reduced by sound levels in the 50–60 dB(A) range.

A conclusion that noise impacts on sensitive bird species such as southwestern willow flycatcher and least Bell’s vireo start below 50 dB(A) is robust. Thresholds for other bird species have been determined to be in the 40–50 dB(A) range (Reijnen et al. 1997). The 60 dB(A) threshold currently used by the DEIR/EIS will be ineffective at eliminating noise impacts, and in fact noise at the 50–60 dB(A) level could deter breeding activity altogether for some species. According to the DEIR/EIS, corona noise from the 500 kV transmission line would increase ambient noise levels within the project right of way to 52 dB(A) along a number of project links under certain weather conditions (Table D.8-13). Noise from construction and maintenance activities would also increase noise levels for sensitive bird species. These impacts should be evaluated with a lower threshold that is based on the published scientific literature rather than the unsubstantiated 60 dB(A) threshold.

**Helicopter Disturbance**

The DEIR/EIS discloses that 111 towers will be built using helicopters to deliver materials (p. B-84) and furthermore describes complete inspection of the system using helicopters on at least an annual basis (p. D.2-149). Yet the DEIR/EIS only describes helicopter disturbance within the context of impacts to Peninsula bighorn sheep (p. D.2-114). The DEIR/EIS gives no limits to the frequency of helicopter flyovers for the lines (p. D.8-18). Many other wildlife groups are affected by helicopter disturbance than bighorn sheep (Efroymson and Suter 2001), and the DEIR/EIS does not contain a complete discussion of the impacts of helicopter disturbance on these groups. Efroymson and Suter (2001) summarized the literature on the effects of military overflights on wildlife and found thresholds for impacts to wildlife from rotary-wing aircraft for raptors, waterfowl, and ungulates. For example, flights within 15 km can disturb waterfowl,
which only sometimes become habituated to such disturbance (Efroyzman and Suter 2001). Raptors can similarly be disturbed and while some species can become habituated (such as red-tailed hawks, which are known for habituating to human activity) other species may abandon an area that has been disturbed by helicopter overflights (Andersen et al. 1989). The DEIR/EIS uses a mitigation approach for golden eagles that limits disturbance from helicopters (and other noise sources) to the period outside of breeding season when within 4,000 feet of a nest site (Mitigation Measure B-7(h)). This measure is not sufficient to protect golden eagles from adverse impacts. Scientific literature on this subject is clear, “The presence of humans detected by a raptor in its nesting or hunting habitat can be a significant habitat-altering disturbance even if the human is far from an active nest” (Richardson and Miller 1997). Regardless of distance, a straightline view of disturbance affects raptors, and an effective approach to mitigate impacts of disturbance for golden eagles involved calculation of viewsheds using a three-dimensional GIS tool and development of buffers based on this (Camp et al. 1997; Richardson and Miller 1997). The DEIR/EIS assumes that impacts to golden eagles can be avoided by a 4,000-foot buffer from nest sites, but this approach will not avoid disturbance to hunting habitat or line-of-sight impacts from nest sites, regardless of distance. Helicopters will be a chronic intrusion into areas that currently have no such artificial disturbance.

Electromagnetic Fields

The DEIR/EIS contains an electromagnetic field (EMF) management plan, but places undeveloped land as the lowest priority for implementation of low-cost measures to reduce EMFs (Appendix 7, p. 6). This approach ignores the adverse impacts of EMFs on wildlife that have been documented in the scientific literature.

Birds are closely associated with powerlines through perching, nesting on supporting structures, and exposure to EMFs in habitats below and adjacent to lines (Fernie and Reynolds 2005). An experimental study exposed American kestrel (a raptor found along the project route) to electromagnetic fields equivalent to being under a 735 kV transmission line (Fernie et al. 2000). The pairs exposed to EMFs had higher fertility but poorer hatching success (Fernie et al. 2000). Behavior was affected as well, with pairs exposed to EMFs maintaining higher activity levels.
Such activity is not desirable during nesting when reductions in activity levels are associated with egg-laying and protection of eggs (Fernie and Reynolds 2005).

A German study showed increased egg size in one species nesting under a 100 kV power line, decreased egg size in another species, and no difference in two other species (reported in Fernie and Reynolds 2005). A review of studies of embryonic development found that most studies (88%) found adverse effects resulting from exposure to EMFs similar to that experienced by nesting under power lines (Fernie and Reynolds 2005). Exposure to EMFs also has been shown to inhibit production of the hormone melatonin, which helps to regulate seasonal behaviors such as nesting, molt, and migration (Fernie et al. 1999). Even though relatively few studies of the effects of EMFs on birds have been completed, “much of the research has found that EMF exposure has generally affected birds, and most of the effects have been adverse” (Fernie and Reynolds 2005). The DEIR/EIS errs in failing to consider the impacts of EMFs on birds and other wildlife and consequently fails to identify significant adverse impacts to bird habitat across the aboveground portions of the proposed transmission line.

**Fragmentation Impacts**

The proposed project will have impacts to native ecosystems that extend well beyond the footprint of the transmission towers and associated road infrastructure. These impacts are not adequately described in the DEIR/EIS. One such mechanism is through “bottom-up” effects whereby invertebrate communities are disrupted, which then affects other wildlife. Disturbance of natural scrub and chaparral communities will promote the invasion of alien insect species, such as the Argentine ant (*Linepithema humile*). The deleterious effect of Argentine ants on native arthropods is well documented; many studies report a decrease in arthropod diversity as Argentine ant abundance increases (Erickson 1971; Cole 1983; Human and Gordon 1996, 1997; Holway 1998a, Kennedy 1998). The proposed project will promote invasion of Argentine ants by providing two conditions that increase invasion: a water source (Holway 1998b; Human et al. 1998; Holway and Suarez 2006) and increased disturbance (Human et al. 1998). These are provided in the form of watering for dust suppression (D-2-165), washing of insulators on towers (B-98), and by construction and maintenance activities. Argentine ants invade far beyond dis-
turbed areas and water sources and into surrounding undisturbed habitats, with increased abundance documented to a distance of up to 650 feet (Suarez et al. 1998).

The proposed project will also involve destruction of habitat as part of the fuels management program (p. D.15-64). Community level analysis indicates that arthropod species composition will change and overall diversity will decrease when native habitats are subjected to fuel modification. Disturbed coastal sage scrub sites have fewer arthropod predator species such as scorpions and trap-door spiders, and are dominated by exotic arthropods such as Argentine ants, European earwigs (*Forficula auricularia*), pillbugs and sowbugs (*Armadillidium vulgare* and *Porcellio* sp.), and the sowbug killer (*Dysdera crocata*) (Longcore 2003). These changes in arthropod species diversity will have resonating impacts on vertebrates that use arthropods as prey species. Suarez et al. show that coast horned lizards prefer native ants (*Pogonomyrmex* and *Messor* spp.) as their food source and suffer when these species are eliminated by invading Argentine ants (Suarez et al. 1998).

Disturbance associated with road building and vegetation clearance promotes the invasion of plant species already associated with residential development. Alien plant species found in southern California wildlands are largely associated with disturbed areas, including cleared areas (Rundel 2000). This relationship between invasive exotics and disturbance is found throughout California and in other Mediterranean regions (Kotanen 1997; Rundel 1998). The understories of areas subject to fuel modification are rapidly dominated by invasive exotic grasses and forbs. As described by Keeley, “Prefire fuel manipulations such as fuel breaks produce conditions that favor weedy aliens and thus act to increase the alien presence, increase the movement of aliens into wildlands, and increase seed sources capable of invading after fire” (Keeley 2002). Incidentally, this increases fire frequency as well (Minnich and Dezzani 1998).

As discussed extensively in the literature (Moorby et al. 1986; Minnich and Dezzani 1998; Rundel 1998), invasive plant species can profoundly affect ecosystem structure and function by modifying fire regimes, nutrient cycling, and erosion patterns. The roads, towers, and associated fuel modification will affect an area far greater than the footprint of these activities themselves by promoting the invasion of exotic plants and animals into wildlands.
Inadequacy of Analytical Approach

The presentation of significant impacts categorized by impact class and associated mitigation measures without the necessary studies is a hallmark of the DEIR/EIS. In numerous instances the DEIR/EIS makes conclusions about the severity of impacts based on incomplete information and defers the surveys necessary to gather this information until after project approval. An environmental disclosure document fails if it simply acknowledges vague significant impacts but does not actually provide information about the scope and nature of those impacts. This information is critical because it is needed for the public and decisionmakers to determine if mitigation measures can offset the impacts, whether impacts can be avoided, and whether it is tolerable to approve the project even though the significant impacts remain. The non-specific approach characterized by the entire DEIR/EIS denies the public and decisionmakers knowledge of the actual extent of the impacts on biological resources. For example, the DEIR/EIS acknowledges that the development of a project in Mexico near La Rumorosa would create a significant impact from the collision of birds with turbines (p. D.2-263) but provides no further detail on the scope of this impact or the species that are likely to be involved, save for a general species list (p. D.2-248). It might have been possible, based on site surveys and comparison with other wind projects, to predict that the project would kill around 815 birds per year (using the equation in the caption of Figure 1 of Barclay et al. 2007 as a rough approximation, assuming 125 440-foot tall turbines). This number could include golden eagles and other sensitive species. Collision mortality would be a significant impact that cannot be mitigated, which is the same conclusion reached in the DEIR/EIS, but such descriptions of magnitude would allow decisionmakers to weigh whether the overall benefit of the proposed project would be greater than the significant impacts it would have.

Another example illustrates the need for more specificity in the impact analysis. The DEIR/EIS provides no estimate of the number of birds that might collide with the transmission wires or what species they might be. Absent the field surveys necessary to describe such risks, the scientific literature provides some guidance. Janss and Ferrer (1998) found 43 birds in 20 surveys conducted over two years with some spans marked with diverters during the second year on 4.5 km of 380 kV line on lattice towers through scrubland, grassland, and agricultural lands in Spain, equaling 1.7 birds per mile per year. Approximately 30% of these birds were common cranes.
Of the several routes running south down Route 79 from the Lake Henshaw area, the Santa Ysabel SR79 Underground option is superior because it avoids the fragmentation and habitat loss associated with the aboveground route and its access roads.

Farther along in the Coastal Link, the Los Peñasquitos Canyon Preserve and Mercy Road Alternative is an underground route that is worse than the proposed project because it disturbs existing preserve areas. This raises an additional question for the evaluation of project impacts. The DEIR/EIS reports on the compliance of various routes with federal, state, and local land use plans. It is not evident, however, whether the project would involve construction and impacts in areas that were set aside as mitigation in previous CEQA or NEPA documents. Many of the developments in San Diego County were approved based on assumptions about the protection of habitats set aside within and adjacent to the developments in addition to off-site mitigation sites.

The southern transmission route is superior to the northern route because it follows an existing transmission line through much of the inland reaches, then follows Interstate 8 through the mountains. By staying close to existing development and disturbance sources this route is somewhat less damaging than the northern route. The DEIR/EIS, however, identifies Modified Route D as part of its “environmentally superior” southern route. From a biological perspective, Route D is worse than the Interstate 8 alignment because it is longer, destroys more native vegetation, and would disturb an additional golden eagle nest site and additional least Bell’s vireo habitat. The only reason the DEIR/EIS identifies Modified Route D as superior is because of reduced visual impacts, but this choice comes at the expense of biological resources.

Wind Development

The DEIR/EIS contains a description of impacts and mitigation measures for the development of a wind power generation project to be located at an undetermined site in northern Mexico near La Rumorosa. The DEIR/EIS does not describe the exact route for the transmission line either in Mexico or the United States or the location of the wind turbines. This portion of the DEIR/EIS fails to meet common standards for provision of a complete and consistent project description. It furthermore fails to show adherence to the State of California’s guidelines for design and siting of wind facilities to reduce impacts to birds and bats (California Energy Commission 2007).
These guidelines identify the need to collect one or more years of field data on bird and bat populations for projects located in areas that may impact special status species (California Energy Commission 2007, p. 9). The DEIR/EIS simply cannot support any conclusions about the proposed project element without conducting the necessary field studies.

The description of the impacts of wind development contains the assertion that taller towers would decrease raptor mortality at the La Rumorosa site (D.2-262). However, recent research has shown that turbine height is weakly and positively correlated with bird mortality, and taller turbines kill exponentially more bats than shorter turbines (Barclay et al. 2007). Bat mortality at wind projects is a grave conservation concern (Kunz et al. 2007; Arnett et al. 2008) and recent research should be incorporated into the DEIR/EIS to identify and avoid these impacts.

Conclusion

The absence of detail about the magnitude and species-specific context of impacts is a pervasive problem with the DEIR/EIS. The logical and factual basis upon which evaluation of mitigation and minimization measures rests is absent in many instances. Useful comparative information from other similar projects that might help quantify impacts is missing. In sum, the DEIR/EIS is insufficient because it fails to identify significant impacts that will result from the project, it fails to provide adequate descriptions of the identified significant impacts and their mitigation measures, and it lacks the analytical connective reasoning to place impacts to biological resources in context.

I declare under penalty of perjury this testimony is, to the best of my knowledge, true and correct.

/s/ Dr. Travis Longcore
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Diego Gas & Electric Company (U 902-E) for a Certificate of Public Convenience and Necessity for the Sunrise Powerlink Transmission Project

Application 06-08-010
(Filed August 4, 2006)

PHASE II DIRECT TESTIMONY OF RICHARD HALSEY ON BEHALF OF THE CENTER FOR BIOLOGICAL DIVERSITY AND THE SIERRA CLUB

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Dated: March 12, 2008
Testimony of Richard W. Halsey
Director of the California Chaparral Institute

Comments relating to the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Sunrise Powerlink Project

My name is Richard W. Halsey. I am the director of the California Chaparral Institute, a research and educational organization focusing on the ecology of California's shrubland ecosystems, the dynamics of wildland fire in both natural and human communities, and the importance of nature education. I have been trained as a Type II wildland firefighter with the US Forest Service and have been studying San Diego County's dominant ecosystem, the chaparral, for more than 20 years. My qualifications are further described in Attachment 1.

Background

I would like to compliment Aspen Environmental Group, and Forester's Co-Op in particular, for producing a well-researched, and objective analysis in the Fire and Fuels Management component of the Draft EIR for the Sunrise Powerlink Project. By dividing up the project's area into individual firesheds and examining each as to their unique resources and wildfire risks, a more accurate estimate was made regarding the proposed Project's environmental impacts.

It is important to mention that I contributed to the initial fireshed analysis in sections D.15.1 and 15.2 of the Fire and Fuels Management portion in the Draft EIR. I conducted field research and collected data that I used to assist in writing those sections. However, as my work proceeded, it became increasingly clear to me that the risks posed to both biological resources and human communities from the proposed Project's impacts were truly unmitigatable. Some of the impacts, such as introducing non-native species to pristine ecosystems, could certainly be reduced, but the mitigation efforts required to reduce fire risk would dramatically increase the proposed Project's negative impacts in other areas, especially the ecological health of the region's dominant plant community, the chaparral.

While chaparral is referred to pejoratively as "brush" by the applicant, it is an essential natural resource that is under increasing threat by development and fire. For reference, chaparral is a

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special plant community dominated by drought-hardy shrubs, shaped by a Mediterranean-type climate (summer drought, winter rain) and wildfire. It is the most extensive ecosystem in California (Fig. 1).

Chaparral is important because it provides critical watershed necessary to maintain Southern California’s quality of life. Without the shrubs, rain would slam into the ground with greater energy causing increased levels of erosion and flooding negatively impacting water quality, drainage infrastructure, and waterways. Grass covered slopes do not provide the same benefits as deep-rooted shrubbery and have their own sets of problems such as being easier to ignite, lengthening the fire season, and reducing biodiversity. Huge numbers of people enjoy chaparral as a wildlife habitat for a wide variety of activities including hunting, bird watching, hiking, and solitude. The capital required to deal with the loss of chaparral would be enormous.

Although San Diego County has more chaparral than any other county in the state, increasing fire frequencies are threatening the ecosystem’s future. To maintain the ecological health of San Diego County’s chaparral ecosystems, it is essential to reduce the number of fires on the landscape. The proposed Project would compromise this ecosystem through proposed vegetation management requirements and increased fire risk. Because of these concerns, I discontinued my involvement with the Draft EIR process after I had finished the initial analysis of the individual firesheds. I did not want to participate in the next phase of the Draft EIR which would determine possible mitigations for the project impacts that I believed were unmitigatable.

Indeed, it has been determined in the Draft EIR that within every wildland dominated fireshed (except for the desert links which were not considered potential firesheds), two or three of the four listed impacts of the proposed Project regarding fire are classified as being Class I (significant, cannot be mitigated to a level that is less than significant).

Class I Impacts: Proposed Project will increase wildfire risk

In the majority of the proposed firesheds (PFS-1, 2, 3, 4, and 5), the two most important fire related impacts of the proposed Project determined to be Class I were:

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- The presence of the overhead transmission line would increase the probability of a wildfire (Impact F-2).
- The presence of the overhead transmission line would reduce the effectiveness of firefighting (Impact F-3).

The Draft EIR could not make the importance of these classifications any clearer when it determined that, “The unavoidable sources of ignition from the presence of the overhead transmission line would remain, however, and therefore the potential for the project to ignite a catastrophic wildfire during severe fire weather would remain significant overall” (D.15-149).

While the suggested mitigations such as defensible space grants (F-1e), establishment and maintenance of adequate line clearances (F-2a), and the construction and maintenance of fuel breaks (F-3a), will assist in reducing fire risk during typical weather patterns, these methods have proven to be ineffective in halting the spread of a Santa Ana wind-driven wildfire. This was demonstrated during both the 2003 Cedar fire and the 2007 Witch fire, both of which jumped over major interstate highways (Interstate 8 and 15), lakes (San Vicente Reservoir), and broad expanses of bare ground or irrigated farmland (San Pasqual Valley).

It is the Santa Ana wind-driven firestorm that causes catastrophic damage and it is for this reason efforts to mitigate the proposed Project’s negative impacts will ultimately fail. This will make the suggested mitigation of creating landscape scale vegetation modification projects in the form of fuel breaks not only ineffective, but counterproductive because the fuelbreaks will increase the environmental damage from wildfire that the mitigations are partially intended to prevent.

Both the Proposed Route and the two alternative routes impacting the Cleveland National Forest (Route D Alternative - Boulder Creek Fireshed, and Modified Route D Alternative – Dulzura Fireshed), suffer similar problems in relation to extreme Santa Ana wind events as well as being within very high fire hazard severity zones.

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Changes in the Environment

An inherent flaw that any environmental document of this kind suffers is that it is static. Once the analysis is done, significant changes that occur after its publication may alter the environment enough to require a new examination. I believe this is the case for the Draft EIR in question. The western halves of Proposed Fireshed 2 (PFS 2) and PFS 3, in addition to the northern portion of PFS 4, were burned during the 2007 Witch fire. This event has radically altered the biological landscape and increases the level of risk the proposed Project creates.

As mentioned in the analysis of the San Felipe Fireshed (PFS 2),

(The) fireshed represents one of the last remaining areas in San Diego County with extensive stands of old-growth chaparral. Consequently, it represents a valuable natural resource to the region. The Lake Sutherland area in particular includes scattered rare concentrations of 3- to 5-meter tall big berry manzanita . . . (D.15.31).

These "redwoods of the chaparral" are now gone, having burned during the 2007 Witch fire (Fig. 2). The primary land management responsibility for this area now is to insure fire is kept out of the ecosystem for at least 30 years to allow the chaparral to recover to the point where there will be a sufficient seed bank for the manzanita to recover. This is one of the few areas in San Diego County that have the promise of restoring an old-growth stand of manzanita chaparral. The increased fire risk the proposed Project represents with its associated access roads and maintenance activity is not consistent with the efforts required to protect this area from fire.

Some of the dramatic landscape changes caused by the 2007 fires include:

- elimination of many old-growth chaparral stands
- elimination of some of the last, large manzanita specimens remaining in San Diego County
- soil composition
- increased erosion potential
- increased potential for type-conversion (see explanation below)
increased spread of non-native weeds leading to an increase in ignition risk due to the presence of flashy fuels

In addition to the 2007 fire, future changes in regional climate patterns due to global warming also make the static nature of the Draft EIR problematic. Without appropriate estimates about habitat change and the estimated impact of increasing fire frequency due to climate change, it is difficult to properly assess the proposed Project's impact on the fire environment.

As stated in the Draft EIR, "southern California has been characterized as having one of the most fire-prone landscapes in the world." And according to the California Climate Change Center, "...wildfires in the grasslands and chaparral ecosystems of southern California are expected to increase by approximately 30 percent toward the end of the century..." (CEC 2006). Not only is the region in which the proposed Project planned prone to wildfires, but it is projected to become even more so in the future.

One possible cause for increased fire frequency would be a drying climate. As periods of drought are extended and moisture is pulled out of vegetation, plant communities become more flammable. Low live fuel moistures caused by extended drought periods are one of the most important variables in determining whether or not a fire can be controlled by firefighters.

Live fuel moisture is the water content within living plant stems as compared to the oven-dried weight of the sample. It is expressed as a percentage. A live fuel moisture reading of 100% indicates half of the stem's weight is contributed by its moisture content. A live fuel moisture reading of 60% or less is considered critical and leads to extreme fire behavior. Both the Cedar and the Witch fires occurred during periods with extremely low live fuel moistures (Fig. 3).

Since Santa Ana winds are the primary drivers of catastrophic wildfires in Southern California, the impact of climate change on these winds is critical to make predictions about future fire patterns in the region. It has been estimated by using two global climate models that Santa Ana wind events will shift from earlier (September-October) to later (November-December) in the
season, increasing the number of such wind events during critically dry periods (Miller and Schlegel 2006). This may increase the chances of having larger firestorms.

While the Draft EIR does an excellent job modeling fire behavior and burn probability, the issue of increasing fire risk due to climatic change, the increase in fine weedy, fuels due to increased fire frequency (Brooks, et al. 2004, Keeley 2000), and future population growth needs to be examined more closely. In the nine counties that comprise southern California, fire frequency has increased in lock step with population growth (Keeley et al. 1999). It is likely the fire regime in San Diego County will be significantly altered from what it is today due to these factors.

Specific Section Comments

Fires Caused by Power Lines (Pg. D.15-2)

Missing from the Draft EIR is detailed data and analysis of powerline-caused ignitions prior to 2004 (San Diego Gas and Electric failed to provide the data). Also missing is an analysis of how powerlines were responsible for starting several fires during the 2007 firestorm.

The debate over whether or not 230 kV or 500 kV lines can be the direct cause of a fire clouds an important issue that is partially addressed in the Draft EIR. The document states that,

> The primary ignition threats associated with higher-voltage transmission lines like the Proposed Project are indirect, consisting of human-caused accidents during the construction and maintenance activities and as a result of increased access to wildlands (D.15.4).

In order to mitigate not only possible ignition threats from the lines themselves, but the associated indirect threats, the environmental impact of the proposed Project will likely need to be increased dramatically. While the construction of access roads, new fuel breaks (Mitigation F-3a), vegetation management of right of way zones, removal of an estimated 14,179 trees, and

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clearance along access roads may help to mitigate fire risk, they will also cause significant environmental harm to pristine native plant communities.

If the fire environment becomes increasingly dangerous as predicted, additional environmental impacts will likely occur beyond those suggested in the Draft EIR. In fact, SDG&E has filed a petition asking the California Public Utilities Commission (CPUC) to revise its fire safety rules for overhead lines of all types. One issue the petition specifically raised was “maintaining rights-of-way that are free of vegetation and of a minimum width in certain fire-prone areas” (SDGE 2007) (Italics added). Bare clearance under lines is not currently required.

The environmental impact of the proposed Project would be increased dramatically if vegetation free zones are extended beyond areas immediately around transmission towers. Thousands of acres of native habitat will be compromised by additional vegetation clearing, increased risk of non-native weed spread, and increased maintenance activity which would lead to increased fire risk.

Applicant Proposed Measures (Pg. D.15-64)

One of the fire-prevention proposal’s SDG&E offers to carry out is to “Temporarily clear a 100-foot-by-100 foot area of vegetation at the base of each transmission structure, to be restored to an early successional stage of native grassland and sage scrub as appropriate at the completion of construction.” Italics added. Similar statements within the Draft EIR are made in reference to the construction of fuel breaks (D.15-89).

What needs to be understood is that most of the undisturbed landscape being impacted is covered in chaparral. Chaparral does not have a successional stage composed of native grassland or sage scrub. Whatever grasses eventually do colonize around transmission towers and within fuel breaks will most likely be invasive, non-natives that create highly flammable fine fuels. Consequently, the word “restoration” is misused in this context. The process involved is better described as the elimination of a native plant community through type-conversion, replacing the native community with weeds.

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Type-converting native plant communities to weeds will likely be the result of any effort to eliminate native shrubland ecosystems near the proposed Project (see explanation of type-conversion in relation to increased fire frequencies in the following section).

In relation to fire risk, weeds lengthen the fire season because they are considered 1-hour fuels. This means they will respond to changing environmental conditions quickly, drying out during the day to create highly flammable fuels. This increases the fire season because these weedy fuels are generally annuals that die early in the year and leave behind fine fuels that can ignite easier than the surrounding native shrubs. Despite the Draft EIR’s suggested mitigation efforts (Weed Control Plan B-3a), it will be extremely difficult for activities of the proposed Project to avoid spreading and encouraging these fine fuels over the long term.

The presence of fine fuels is one of the primary factors in firefighter fatalities because fire moves through them so quickly. From personal experience I can testify to the danger of these fuels. With a slight change in humidity and wind speed, two to three foot flame lengths in fine fuels can become 30 foot sheets of fire within moments.

**Approach to Data Collection and Analysis (Pg. D.15-64)**

Fire behavior and burn probability modeling can offer useful estimates about how fires move. The Draft EIR does an excellent job describing these models as well as some of the limitations in their use. However, it is important to remember that these models were developed in forested systems outside of California and base their outcomes on natural fuels. The presence of urban fuel (homes, associated structures and landscaping), the impact of spontaneous ignition from embers, and the extreme variability of Santa Ana wind conditions are not part of the model. Consequently, it is nearly impossible to predict exactly how Southern California fires will behave. They constantly surprise.

The model run used in the Draft EIR produced simultaneous ignition points every 500 feet along the transmission line corridor. Since the Draft EIR was specifically focused on the powerline, this approach makes sense. However, since it is likely a significant number of ignitions will occur along access roads due to public use and the necessary maintenance of the proposed...
Project, it would be beneficial to examine starts from those locations as well. This is because the presence of vehicles and associated passenger activities, accidents, and equipment malfunctions on roads dramatically increase fire risk (UWM 2006).

The wildfire fuels criterion used "requires that wildfire fuels be present within at least 30% of the polygon to carry a wildfire through the landscape" (pg. D.15-69). This assumption points to one of the greatest weaknesses in such a fire behavior model because in a typical, Santa Ana wind driven fire, most of the forward movement is created by embers blown far ahead of the fire front, starting spot fires. First hand firefighter accounts described the Witch fire jumping forward in quarter mile leaps due to ember ignited spot fires. Similar events occurred during the 2003 Cedar fire.

Another lesson learned during the 2007 fires is that four-year-old recovering chaparral vegetation, in the past considered by some as relatively un-burnable, was capable of carrying the Witch, Poomacha, and Harris fires into areas scorched by the 2003 fires (Figs. 4 and 5). These re-burned overlap areas of young vegetation represented about 100,000 acres overall, or about 20% of the total area burned during Southern California’s 2007 firestorm. Approximately 70,000 acres of young vegetation re-burned in San Diego County (Fig. 6).

The implications of such short fire return intervals in reference to the proposed Project are significant.

1. Fire return intervals below 10 years nearly guarantee the elimination of intact, native chaparral, leading to the ecosystem’s type-conversion to non-native weed lands. (Haidinger and Keeley 1993, Keeley 1995, Zedler 1995, Jacobson et al. 2004). Since the proposed Project’s impact of increasing fire risk can not be mitigated to less than significant, it is likely San Diego County will see more of its valuable chaparral watershed eliminated than would be the case without the proposed Project.

2. The effectiveness of the proposed Project’s vegetation modification efforts to mitigate fire risk can be seriously questioned.

The California Chaparral Institute
March 2008
Type-conversion is an extremely serious issue for San Diego County's chaparral ecosystem. Although many falsely believe that chaparral is "adapted" to fire and "needs" fire to remain healthy, in actuality fire can completely eliminate the system if it arrives too frequently (10-20 years depending on the type), at the wrong time of year (shortly after winter rains), or is not hot enough. Too frequent fires arrive before chaparral shrub species can build up a large enough seed bank in the soil to produce an adequate seedling response. Fires during the wet season appear to create conditions that either kill seeds in the soil or fail to generate enough heat to stimulate germination of heat-responsive species. Therefore, it is best to think of chaparral as being adapted to specific fire regimes rather than fire per se.

Once a chaparral system has been exposed to unnatural fire patterns, the seed bank is eliminated, mortality of resprouting species increases dramatically, and the ecosystem is open to the invasion of non-native weeds. Once these weeds invade an area, they perpetuate their own habitat by increasing fire frequency (they can produce enough fuel to easily carry a fire every year) and prevent the high fire intensity needed for the germination of most native chaparral species (weed species are generally killed in high intensity, chaparral fires).

Once type-conversion occurs, ecological diversity drops precipitously. Often the only native shrub species left is laurel sumac (Malosma laurina), surrounded by a sea of non-native weedy grasses (Bromus species) and forbs (Brassica and Erodium species). Many of the animals that depended on the other native species will be extirpated.

In study sites I am currently examining, obligate-seeding species (plants that recover from a fire only by seed germination) have been eliminated in areas with a fire return interval of 10 years. Within the 2003 Cedar fire scar, the areas re-burned by the 2007 Witch fire are showing similar results. Although some of the obligate resprouting species (plants that survive fire by re-sprouting only) are beginning to show new shoots from their burls, it is likely many burls will eventually die due to stress caused by the repeated fire. We will not know the complete impact for several years.
Wildfire Containment Conflict Index (Pg. D.15-68)

The presence of overhead transmission lines poses a serious problem for firefighters on the ground. This is addressed in the Draft EIR by using the Wildfire Containment Conflict Index.

However, the model used to analyze the conflict “assumes that where no roads currently intersect the proposed transmission line, no conflict can be created by the introduction of the transmission line.” This assumption does not take into consideration the serious problem transmission lines create for use of aerial assets (fire retardant/water drops). The presence of transmission lines is one of the reasons the California Department of Forestry and Fire Protection does not conduct aerial fire suppression efforts at night. In addition, during periods of low visibility due to smoke, transmission lines create serious hazards for aircraft during the day since water and fire retardant must be dropped low to the ground where transmission lines occur. Consequently, the number of potential wildfire containment conflicts are likely to be considerably greater than revealed in the Draft EIR.

Desert Links (Pg. D.15-71)

The Draft EIR is correct in concluding that at the present time the fire risk is very low for scattered population centers within the Imperial Valley and Eastern Anza-Borrego Links. However, the “low fire intensities that burn sparse desert vegetation” still pose a serious fire risk to the desert ecosystem because the species present are not fire tolerant. Once a fire does occur, many of the native species are often eliminated and non-native grasses fill the void (Brooks and Pyke 2001).

While the Draft EIR discusses the threat of non-native weeds and suggests mitigation measures to lessen their impact (B-3a), the measures only focus on controlling weeds around the immediate area of the proposed Project. While such mitigation efforts may be successful, the real threat is the explosive spread of weeds after a fire caused by activities related to the proposed Project. Such a fire could rapidly spread across the desert and seriously compromise its ecological health.
Desert fires fueled by non-native weeds (*Bromus* species, *Brassica* species) are becoming a serious problem throughout the West and have been responsible for the type-conversion of native desert habitats to non-native dominated ecosystems (Lovich and Bainbridge 1999). It is quite possible in the lower elevation deserts that several familiar keystone plant species, such as the Joshua tree and the Saguaro cactus, will have their populations drastically reduced by the end of this century if invasive weeds continue to fuel desert fires. A similar fate could occur to some of the dominant plant species in the Anza-Borrego Desert if non-native weeds are allowed to gain a foothold and changing climatic conditions favor their expansion.

**Defensible Space Grants (Pg. D.15-74)**

Mitigation F-1e suggests that SDG&E “contribute an annual sum to a fund that shall be distributed as homeowner grants for the creation of defensible space around homes.” The Draft EIR lists an estimated number of homes at risk and suggests an annual contribution of $2,000 per home.

The primary cause of home ignition during a wildland fire is by embers landing in vulnerable locations or entering attic spaces through roof vents during Santa Ana wind events. While defensible space is a critical component of the fire risk reduction equation, it often fails to save a home that does not have a fire safe design or is located in a high fire risk area. Embers can travel up to two miles from the fire front. The wood-shake roof of a house in Escondido ignited during the 2007 Witch fire despite the fact that it was two miles from the active fire front (SDUT 2007). Consequently, making contributions to maintain or expand defensible space zones alone would not be as effective as applying such contributions to address the entire fire risk equation. This would include not only defensible space, but also retrofitting unsafe construction designs and funding comprehensive fire management plans for communities. Without including all the variables involved in making a fire-safe community, the default practice often becomes degrading excessive amounts of valuable habitat by improper clearance practices.

For structures in topographical positions that can not be adequately prepared to survive a firestorm, the proposed Project adds a new level of risk to the homeowner that can not be mitigated.

The California Chaparral Institute
March 2008
Dr. Pell,

Please add this April 9th News Release, "BLM Cautions Public Regarding Border Violence", to our previous comments on the EIS scoping for Sempra's cross-border 500 kV transmission/energy project. Adding more energy infrastructure in the violence prone border area does not bode well for energy reliability or security issues.

Federal law enforcement agents that I have discussed the issue with are not happy about major energy development projects occurring in this volatile area which could provide cover for and exacerbate criminal activities in the area.

Thank you,

Donna Tisdale, President
Backcountry Against Dumps
619-766-4170


News Release
For Release: April 9, 2009
Contact: Stephen Razo 951-697-5217; email: srazo@ca.blm.gov
CA-CDD-09-39

BLM Cautions Public Regarding Border Violence
The international border with Mexico is becoming of increasing concern to the U.S. Government due to an increase in dangerous illegal activities and an escalating trend in border violence.

In the Imperial Sand Dunes Recreation Area located in Imperial County, the Bureau of Land Management (BLM) El Centro Field Office has initiated numerous public outreach safety initiatives in partnership with the Border Patrol which includes flyers, signage, and making public contacts.

Visitors to BLM public lands along the California-Mexico border need to be aware of activities around them. If you see anything that looks illegal, suspicious or out of place, please do not intervene. Note your location and call 911, or report it to the nearest law enforcement authority.

In addition, remember the following safety tips:

a. Cell phone service is out of range in many remote areas
b. Know where you are at all times, follow good safety procedures and use common sense when making decisions
c. Do not pick-up hitch hikers
d. Keep valuables, including spare change, out of sight and lock your vehicle
e. Avoid traveling outside of well-marked roads and routes
f. People in distress may ask for food, water or other assistance. Do not make contact. Report the location of the distressed people to the nearest BLM or other law enforcement agencies.

Pell, Jerry
enforcement authority.

The BLM is cautioning the public to be aware of their surroundings when visiting public lands in San Diego and Imperial Counties and to follow the safety tips above. The BLM offices are working closely with their Border Patrol counterparts in their enforcement efforts to ensure safety on BLM public lands. Your safety is important. BLM will continue to monitor these areas and provide information to ensure public awareness.

--BLM--

California Desert District Office - 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553

Last updated: 04-09-2009
Dear Dr. Pell,

These comments are submitted on behalf of our grassroots non-profit group based in Eastern San Diego County. We have a two decade record of aggressively defending our rural community and community character, our natural resources and open spaces that local wildlife and residents rely on, the rugged scenic beauty, cultural and historical and recreational resources, and other valued assets and aspects of the backcountry currently and historically enjoyed by those who live in the area, those that come as visitors, and those who are just passing through on Historic Route 80, and I-8.

We hereby incorporate comments and information previously submitted, including by reference, on behalf of the Boulevard Planning Group, those submitted under my name as an individual, those submitted by the County of San Diego, and those submitted by the Center for Biological Diversity and/or the Sierra Club, including those submitted by today’s comment deadline.

Federal Register Notice lacks critical information on Sempra connection and dirty LNG potential behind the wind energy front. Reasonably foreseeable actions must be addressed.

We strongly object to the fact that the Federal Register Notice for this project does not in any way alert the average reader that one of Sempra’s many subsidiaries is the project applicant or that the project relies on several more Sempra subsidiary projects: SDG&E’s 500 kV transmission line project known as the Sunrise Powerlink (subject to multiple legal challenges) and the proposed ECO Substation project, to move new energy out of the area. Nor does it in any way notify the reader that Sempra’s LNG pipeline and extensive infrastructure, including their new LNG receipt terminal on the Baja coast, have the potential to be the biggest beneficiary of the proposed 500 kV cross-border power line. Wind energy needs an average of well over 70% of installed capacity in backup generations—usually natural gas. Due to the rugged and fragile area that Sempra’s wind energy project is proposed for, there are serious doubts that the wind aspect of the project will move forward in any meaningful manner. These important details should be made available and evident for all to see and understand.

Today’s San Diego Union Tribune carried the article linked below. It reports that Sempra is confident that it will begin construction of the $2 billion Sunrise Powerlink powerline from Imperial Valley to San Diego next year and to have it finished by 2012. There was no mention of the ongoing legal challenges. Sempra’s CEO was quoted as saying: “Regulated utilities have a guaranteed rate of return on infrastructure they build and it’s very easy to be carried away” building big
projects because they add to the bottom line. For instance, SDG&E will make a guaranteed 11.5 percent for operating Sunrise.

They also report that Sempra expects to start making money from LNG this year and will begin accepting shipments from Indonesia in the third quarter. They do not say that the imported LNG is reportedly much dirtier and generates more GHG emissions that domestic LNG. This aspect has been raised at the CPUC level and needs to be part of the full EIS for this project.

Felsinger did not state that the Sempra’s Energia Sierra Juarez cross-border powerline and SDG&E’s Sunrise Powerlink and proposed ECO Substation project will all work towards moving any new gas-fired power that can and most likely will be built in the Jacume /La Rumrosa area. Sempra’s existing LNG pipeline runs through the proposed wind energy lease area. A proposed Section 368 multi-modal corridor was recently and conveniently announced on the US side in the immediate project area. All of these projects and timelines are no coincidence. The LNG fire power and potential cross-border spur line are reasonably foreseeable projects and cannot be ignored by the DOE or other reviewing agencies.

We are also providing the link below to the documentary on the Sunrise Powerlink that BAD produced called A Question of Power. We request that it become part of the record for this project. A DVD will be mailed upon request.  
http://video.google.com/videoplay?docid=2122441201953611718&ei=Zrj8SL6JNaXcqAPek9D3DA&q=a+question+of+power&hl=en

In the documentary, Felsinger states that when the wind doesn’t blow and sun doesn’t shine, wind and solar energy are unreliable and that natural gas will be the “go to option” for decades to come. There are some good shots of Sempra’s LNG infrastructure, existing gas-fired plant near Mexicali, and the new waterline currently and conveniently being installed through their Energia Sierra Juarez project area.

**Conclusion and request for local EIS scoping hearing**

Not everything is as it appears on the surface. And this project is a perfect example of that. As impacted members of the public and tax and rate payers who will be footing most of Sempra’s and SDG&E’s bills, we will accept nothing less than a full and transparent review process for this and the many interrelated and connected projects. We will not tolerate the segmented and piecemealed reviews where the significant cumulative and cumulative impacts are neither acknowledged nor addressed.

We consider this area and the quality of human and natural life too valuable to let it be destroyed without serious resistance and a significant effort to defend it. Therefore, we are requesting that an EIS scoping hearing be held locally, preferably in Jacumba, to address the new information and cumulative impacts that have come to light since the EA scoping was held last fall. Hearings should be held in impacted Baja communities as well. This is a binational project with significant and cumulative binational impacts that need to be addressed in a legitimate and legally binding manner. Please add our name to the serve list for this and any other DOE or related project in our area.

Sincerely,

Donna Tisdale, President
619-766-4170
donnatisdale@hughes.net

cc: Interested parties
March 27, 2009

Dr. Jerry Pell  
Office of Electricity Delivery and Energy Reliability  
US Department Of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

RE: OE DOCKET NO. PP-334 NOTICE TO PREPARE EIS: ENERGIA SIERRA JUAREZ U.S. TRANSMISSION, LLC

Dear Dr. Pell,

Our group is elected by our rural community to represent them in an advisory capacity on land use issues. At our regular meeting held on March 5th, the group voted unanimously to submit this letter. Previously, we have submitted comments on this project which has also been known as La Rumorosa Wind and Baja Wind. We have also submitted extensive comments on other interrelated and connected energy and transmission infrastructure projects. The cumulative impacts will transform our rural community and character into a noisy industrial zone with the potential for thousands of 50-60 story whirling, groaning, thumping, and blinking industrial turbines and multiple sets of high power transmission lines, substations, and new 69 kV lines.

EIS Scoping hearings are needed to address new information including health impacts related to wind turbine noise, vibrations and more:

The recognition and granting of our request for a full Environmental Impact Statement is very much appreciated. However, it is incredibly disappointing that no further scoping meetings will be conducted. In the interim between the EA scoping process last fall and the February 20th Notice of Intent for an Environmental Impact Statement, much has occurred in regards to proposals, approvals and appeals of multiple interrelated energy and transmission projects. Much more information is now available regarding the significant and still emerging health impacts related to noise and vibrations from industrial scale turbines, and the news that the changing air pressure actually explodes the delicate lung tissue of bats. An international backlash has been generated by the very real impacts of these industrial giants. See the linked article from yesterday’s Oregonian: Oregon wind farms whip up noise, health concerns. [http://www.oregonlive.com:80/news/index.ssf/2009/03/oregon_wind_farms_whip_up_nois.html](http://www.oregonlive.com:80/news/index.ssf/2009/03/oregon_wind_farms_whip_up_nois.html)

And the New York opinion piece: Industrial wind companies’ claims just don’t add up from yesterday’s The Daily News online: [http://www.thedailynewsonline.com/articles/2009/03/26/opinion/letters/5281762.prt](http://www.thedailynewsonline.com/articles/2009/03/26/opinion/letters/5281762.prt). For additional information, articles, reports, videos, photos and more, related to the real life impacts of industrial wind projects, go to [www.windaction.org](http://www.windaction.org) and [www.windwatch.org](http://www.windwatch.org).
Significant setbacks between turbines and property lines, international borders, occupied buildings, public access roadways and areas, including recreation areas, sensitive habitats and wildlife, and from transmission lines as well, are also needed to minimize collateral damage from blade shedding, tower collapse, noise and vibrations (wind turbine syndrome), shadow flicker effect (can trigger seizures), turbine sparked fires and flaming debris, etc. Two miles is now being recommended by some.

Turbine placement and operation can also impact radio and communication signals and aviation operations, and needs to be analyzed and addressed, including impacts to recreational activities like gliders which use the Jacumba airport. Your agency and others need to have all this information in hand and make it available to the trans-border public. Full disclosure is the only way that everyone can make fully informed decisions. Agency decisions based on anything less than full disclosure and full and adequate research will violate NEPA and subject to legal challenges and reversal.

Environmental Justice issues &
Segmented environmental reviews to avoid overall impacts

This unique combination of new information, a lack of project specific information, and current circumstances warrant a new round of scoping. We hereby request that scoping hearings be held for the EIS and that they be held in the most impacted communities of low-income community of Jacumba and the ejidos in Baja. There should be some form of proof that any Baja hearings will be well advertised and held within the impacted ejido communities. Both federal and state law require that trans-border impacts be fully disclosed with significant impacts avoided or mitigated in a legitimate manner. The importation of energy generated in another country needs to fully comply with both the letter and intent of the law in order to ensure the protection of all human and natural rights. This is especially true if any form of trans-border green energy credit or other rewards will be granted and paid for by US tax and ratepayers.

There are concerns that members of the ejidos that have signed lease agreements with various companies may have not been fully informed of the potential irreversible negative impacts of industrial wind energy and/or the potential for LNG fired power plants to follow or supplant the proposed wind energy projects. Sempra’s existing Bajanorte Gasoducto gas line and the new water line being installed through Sempra’s La Rumorosa lease area raise alarm bells and the very real potential for new fossil fuel power plants to materialize immediately south of the border.

New mapping information provided by the South County Economic Development Council, “San Diego’s Voice for Binational Business”, at a meeting in Campo on March 23rd, shows that the impacted census tract areas on the US side of the border have both high unemployment rates and low per capita income. The same is most likely true for the communities to the south of the border here. See attached the CEDS Map.

The promise of green jobs for our rural low-income communities, related to industrial scale wind, solar and transmission projects, are generally drastically overinflated if not outright fabrications. When the 50 MW Kumeyaay Wind farm was built in 2005 on the Campo Reservation in our
neighborhood, they imported the vast majority of labor from overseas. They even import labor to change the hydraulic fluid in the turbines. This is not an isolated incident. Solar projects outside of Las Vegas had labor unions complaining about imported labor even though the company had accepted funding that was supposed to support the hiring of local firms and labor. And many of the renewable energy components are manufactured out of area and country as well.

At this point, our rural low-income communities, which currently enjoy extensive, stunning and uncluttered viewsheds, are being subjected to and inundated with wind energy and transmission infrastructure proposals that would not be allowed or even considered in more affluent and urbanized areas, including San Diego which has excellent wind resources off-shore. The urbanites would never allow turbines to be erected that would impact their ocean views. This is a classic case of obnoxious industrial projects proposed for low-income communities which often cannot defend themselves against, nor even keep track of, the wealthy corporations and their many LLC’s that are both funding the projects and heavily lobbying the very agencies that will make the life changing decisions impacting the very places we live, work and play in. The segmented review process of multiple major projects to avoid addressing the significant and cumulative impacts is a violation of NEPA.

**SDG&E’s Sunrise Powerlink is a controversial and connected action**

One of the more significant related events and new information is the December 2008 and January 2009 CPUC/BLM approval of SDG&E’s proposed 500 kV transmission project known as the Sunrise Powerlink. According to various documents filed with state and federal agencies, Sempra’s Energia Sierra Juarez project is reliant on Sunrise Powerlink, or other unidentified or yet proposed transmission connection, to move new energy from the area. Energia Sierra Juarez, the Sunrise Powerlink and other interrelated projects are considered connected and indirect actions. As we noted in previous comments, Energia Sierra Juarez, then known as La Rumorosa Wind, was the trigger for a Recirculated EIR/EIS document for the Sunrise Powerlink.

The Assigned Administrative Law Judge recommended denial of the Certificate of Public Need and Convenience. Therefore, the approval of the Sunrise Powerlink by the Governor’s political appointees was highly controversial and unsupported by the approximate 11,000 page record. The BLM’s approval of their Record of Decision for the project and a Plan Amendment for Eastern San Diego County Resource Management Area was also highly controversial and not supported by the record. Both the state and federal approvals are currently the subject of multiple challenges. A request for re-hearing has been filed at the CPUC and a Notice of Appeal and Request for Stay has been filed with the Interior Board of Land Appeals. Court challenges will follow.

New information from federal law enforcement agents confirms the presence of the endangered Big Horn Sheep (BHS) in the Jacumba Mountains within the designated BHS critical habitat and the planned route for Sunrise Powerlink. This area is in close proximity to the Energia Sierra Juarez and Union Fenosa’s Zemer energy and transmission projects. The extent of impacts to this vanishing Endangered Species are unknown at this time due to inadequate and / or non-existent surveys and studies. Legitimate binational studies are needed. *(See attached message from the Public Lands Liaison for the US Border Patrol and BHS photos and Google Earth sighting maps)*
Thousands of industrial wind turbines and massive solar projects are proposed in the our trans-border area, resulting in cumulative environmental, social, and economic repercussions:

According to public records, as of August 2008, there were over one million acres of BLM land in the California Desert District, alone, that had applications pending for wind and solar projects. According to California Independent System Operator information, and my own calculations, as of July 2008, 5,847 megawatts of wind energy were listed in the CALISO queue for connection to the US grid. The vast majority of that is proposed for communal ejido land just south of the border in the La Rumorosa, Sierra Juarez, Tecate Divide area. And most are proposed to connect to the existing Southwest Powerlink through the Imperial Valley Substation and/or SDG&E’s proposed ECO Substation at Jacumba and expanded substation in Boulevard. Anecdotal information indicates the energy land rush has generated some internal strife and struggles over who controls the ejidos and who has a right to live on the property and share in any monetary benefits from contractual agreements. This situation is similar to tribal membership enrollment struggles and conflicts experienced by some Native American communities over gaming concerns and proceeds. Wind energy proponents on the US side of the border are aggressively lobbying to change zoning and land use laws to allow industrial wind turbines where they are not currently allowed. There is now animosity between absentee property owners and land speculators who want to cash in on industrializing the area, and those of us who actually live here and love the natural beauty and quiet. There is also the looming problem between the haves and have-nots. Property owners whose property is too small for potential wind energy projects may be forced to suffer the impacts from neighboring property that may be able to host industrial wind turbines, for a fee.

Sempra’s cross-border power line is growth inducing Significant and cumulative impacts on both sides of border.

The potential proliferation of 500-600 foot industrial scale turbines (the average size for new 2 and 3 MW turbines) in the border region, along with massive solar proposals, will significantly compound the significant cumulative negative impacts to biological resources, cultural, historical, and scientific resources, scenic resources, public health and safety, environmental justice, Homeland Security, emergency services, community character, property values, noise and vibrations, dark skies, recreation, aviation operations and safety, impacts on fire ignition and fire fighting operations, and much more. The construction and operation of proposed and reasonable foreseeable energy and infrastructure projects will also lend cover and perhaps exacerbate already prolific criminal human and drug smuggling operations on both sides of the border, in an area notorious for a lack of adequate law enforcement. Recent accounts of the bloodshed in our border region is attributed to the well armed and violent drug cartels.

There are also questions of access roads needed to bring in the massive turbine parts, cranes and other equipment to erect these behemoths. The La Rumorosa area is famous for its narrow, steep, and twisty roads with limited shoulders. Which route of travel will be used? Is it adequate? Will roads need to be widened or new roads graded through neighborhoods, fragile habitat, or culturally sensitive areas? Will the Hwy 2 off-ramps and overpasses allow passage of this massive equipment. The Jacume exit and overpass is especially narrow. Will helicopters be needed to ferry parts and construct turbines
in the more difficult to reach sites?

For the proposed Tule Wind project on BLM land in McCain Valley, McCain Valley Road cannot be used because the I-8 overpass is too low. A new road is proposed to be bulldozed across a private property and a floodplain. Numerous environmental and engineering problems and challenges need to be disclosed and addressed in the EIS, before the project, not after the fact.

**Multiple Projects are deemed cumulative under NEPA and cannot be segmented**

As noted, multiple projects are proposed in trans-border area. In addition to Sempra’s 1,250 MW Energia Sierra Juarez, the Sunrise Powerlink, the Section 368 West Wide Energy Corridor, and others, all proposals need to be addressed as cumulative impacts. Here is just a sampling:

1. Spain’s Union Fenosa’s proposed 1,000 MW Zemer wind energy in the La Rumorosa area. Phase one is for 100% export to the US via SDG&E’s Imperial Valley Substation, via the existing 500 kV Southwest Powerlink (only 80 MW capacity currently available per PP-334 amended application), and/or the proposed Sunrise Powerlink. For information on the first 500 MW phase of this La Rumorosa project see attached and linked Business News Americas article 2-23-09 at [http://www.bnamericas.com/content_print.jsp?id=469066&idioma=I&sector=&type=NEWS](http://www.bnamericas.com/content_print.jsp?id=469066&idioma=I&sector=&type=NEWS).

2. Stirling Energy Systems’ 750 MW Solar Two project is proposed for over 6,200 acres of public land, and 300 acres of private land, in Imperial Valley’s Yuha Desert. This project is also slated to connect at the Imperial Valley Substation and Southwest Powerlink/Sunrise Powerlink for both Phase one and two. The technology and viability of this project, which was the original driver for Sunrise Powerlink, has been highly criticized and questioned. See attached scoping comments (1-2-09) submitted to the California Energy Commission and BLM under my name as an individual.

3. Iberdrola Renewables 200 MW Tule Wind project proposed for approximately 20,000 acres of BLM land in the McCain Valley of Eastern San Diego County. This project would interconnect to Southwest Powerlink / Sunrise Powerlink via SDG&E’s proposed ECO Substation and another approximate 20 miles of 69 kV line. Like the others, this project is highly controversial and resulted in the BLM downgrading tens of thousands of acres to accommodate the questionable industrial use. A legal challenge to the downgrading is expected to be filed soon in follow up to the March 23, 2009 IBLA appeal of the Sunrise Powerlink project.

4. The Campo Kumeyaay Nation is proposing to pursue a potential 300 MW of wind energy in addition to their existing 25 turbines on their reservation lands in Eastern San Diego County, adjacent to the border. See attached Google Earth (2009) evidence of the extensive scarring that is visible from an elevated view. The land disturbance around the turbines is much more visible than the adjacent 4-lane Interstate 8. The turbines went into operation in 2005 and the scarring is still stark and glaring in the 2009 photo.
Establishing the need for the project and 
Alternatives to the project are required under NEPA

The EIS needs to clearly establish not only the need for the project, the cumulative impacts from proposed and reasonably foreseeable projects, but reasonable alternatives as well. The EIR/EIS for the Sunrise Powerlink ranked several in-basin generation alternatives higher than SDG&E’s Sunrise Powerlink project due to the 41 significant and unmitigable impacts that were listed for the selected southern route—and they did not even do all the required surveys. That joint state federal review did address some of the La Rumorosa Wind project and the ECO Substation. It did not include BLM’s land use downgrades or the proposed 200 MW Tule Wind project in McCain Valley on approximately 20,000 acres. The EIS for Energia Sierra Juarez is required to address all of these connected actions, projects, and impacts.

The No Project Alternative is the one we would choose in the case of Sempra’s proposed Energia Sierra Juarez project. A combination of retrofitted power plants, in-basin peaker plants, and renewable energy projects like Southern California Edison’s 250 MW of solar panels proposed for 65 million square feet of commercial roof tops, are a better, less destructive, and more reliable ways to generate energy closer to the point of use.

Distributed generation is a much preferred alternative that reduces loss of habitat, open space, recreation areas and private properties. It also reduces line loss and the vulnerability of long transmission lines and centralized power plants to acts of terror, firestorms, earthquakes or other natural disasters. As an example, our military bases are generating more of their own power for security reasons and to reduce risks.

SDG&E’s recently advertised Hi-Tech High project in Chula Vista where a combination of green building designs, materials, and energy efficiency help reduce energy consumption and solar panels generate about 2/3 of the school’s energy is another small example.

The establishment of feed-in tariffs for property owners to receive fair market value for excess energy produced by solar panels and or small scale wind turbines on residential, commercial, and public property, on parking lots, and already disturbed brown fields would be an even better alternative. The ability to generate and sell energy back to the grid would encourage average folks, small businesses and communities to not only participate, it would also encourage them to conserve energy so they would have more to sell. This would result in extra income in these difficult times. This option is often discouraged by large utilities and their allies because it would tend to impact their virtual monopolies and control of the country’s energy production and pricing. Despite this fact, new incentives and long-term financing plans have resulted in a flurry of increased solar. See linked Renewable Energy World article for information on the grid-tied PV market growth of 80% in 2008.


Previously submitted information is hereby incorporated:

For the record, we hereby incorporate all previous comments, attachments, and references as submitted through Ellen Russell and Anthony Como at Department of Energy via electronic mail, including but not limited to those submitted on or around the following dates:

- March 21, 2008: PPA-334 Protest comments and request for full EIS
- June 23, 2008: Request for delayed scoping
- July 7, 2008: La Rumorosa Wind / Sunrise Powerlink
- August 26, 2008: testimony at EA scoping hearing in Jacumba
- September 3, 2008: PPA-334 comment letter & photos
- January 24, 2009: PPA-334 / Energia Sierra Juarez / Sunrise appeals by UCAN, CBD, SC

Conclusion

Thank you again for the opportunity to participate in the full EIS process. Public involvement is a critical and necessary part of any project review. Especially when the impacts are so significant and far reaching. Please add our name to the serve list for this and any other DOE projects proposed in our area of Eastern San Diego County. If you have any questions, please contact me at 619-766-4170 or donnatisdale@hughes.net.

Sincerely,

Donna Tisdale, Chair

cc: Interested parties

Attachments:
CEDS Map (12-08: low income-high unemployment)
Big Horn Sheep photos and Border Patrol statement (3-19-09)
Google Earth: Kuymeyaay Wind scarring (2009)
Stirling Energy Systems Scoping Comments (1-2-09)
Census Tracts with unemployment rates greater than one percent above the historical average of 4.5 percent in 1978 and 9.1 percent in 2000.

Census Tracts with per capita income less than the census income average.

Data from the 1990 and 2000 Censuses of Population and Housing.

Notes:

- Census Tracts with unemployment rates greater than one percent above the historical average of 4.5 percent in 1978 and 9.1 percent in 2000.
- Census Tracts with per capita income less than the census income average.

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Notes:

- Census Tracts with unemployment rates greater than one percent above the historical average of 4.5 percent in 1978 and 9.1 percent in 2000.
- Census Tracts with per capita income less than the census income average.

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Hi Donna,

I’ve spent a lot of time working in the Jacumba Mountains and over the years I have seen Big Horn Sheep on several occasions near Interstate 8. I don’t remember personally seeing any groups larger than five or six.

As far as specific locations, I’ve seen sheep near the Mountain Springs Road Exit north of the westbound lanes of Interstate 8 and also south of the westbound lanes within Devil’s Canyon. I have also seen sheep just south of the westbound lanes of Interstate 8 / east of the 1st Devil’s Canyon Bridge on several occasions.

Last year, in late spring/early summer, I encountered five sheep (1 ram, 2 ewes and 2 lambs) just north of the eastbound lanes of Interstate 8 near mile marker 5. A large bush was blocking my view and I didn’t notice them until I got within about 100 feet at which point they took off running up the side of the mountain. I’m not sure who was startled more, me or them.

It’s difficult to accurately describe the locations so I’ve attached a couple of Google Earth images.

I have never seen any sheep south of the eastbound lanes of Interstate 8 nor have I heard of any other agents stating they have seen sheep in that area. The only time I’ve ever seen them even close to the eastbound lanes was the one incident I described near mile marker 5.

I was never really looking for scat, so I’m sorry, I can’t be much help there. Most of the sheep I have seen were from a distance and I couldn’t tell what type of health condition they were in. The five that startled me seemed to be pretty average. I don’t recall that they were fat and sassy nor sickly.

The attached photos were taken December 2008 by another agent, south of Interstate 8 in the area indicated in the image labeled “Big Horn Sheep”.

Kevin Geller

Supervisory Border Patrol Agent

Public Lands Liaison

El Centro Station

Office: 760-337-7119
50 MW Kumeyaay Wind

50 MW Kumeyaay Wind at I-8 and Crestwood Rd Boulevard/Camp, CA
SCOPING COMMENTS: SES SOLAR TWO PROJECT, DOCKET NO. 08-AFC-5

Dear Mr. Meyer,

For the record, I have attended the July 24, 2008 Imperial County Planning and Development Services Pre-Application Meeting for Stirling Energy Systems, the November 24th CEC/BLM Informational Hearing and Scoping Meeting and site-visit, and the December 18th CEC/BLM Data Response and Issues Resolution Workshop and Scoping meeting. SES/URS also provided me with a DVD and hard copy of the Response to CEC & BLM Data Requests 1-52. As requested at the December 18th meeting, these comments are being sent directly to you and not to the BLM. Even though I am an elected land use representative for the rural Eastern San Diego County community of Boulevard, and the President of the public benefit non-profit group, Backcountry Against Dumps, these comments are my own. I am a property owner and taxpayer in both San Diego and Imperial Counties and a ratepayer that will be impacted by the massive and wrong headed SES Solar Two Project, the Sunrise Powerlink (deemed unnecessary and too environmentally and fiscally expensive by the CPUC’s assigned Administrative Law Judge) , Iberdrola Renewables 200 MW Tule Wind Project on approximately 20,000 acres of BLM land in Boulevard’s McCain Valley Land Cooperative and Wildlife Management Area, and other questionable industrial scale renewable energy projects and related infrastructure—if they manage to come to fruition.

Large scale urban PV is more cost effective than remote solar and wind projects and the related Sunrise Powerlink

The CEC and BLM should reject the Solar Two Project and other such controversial behemoths as they do not represent the best and highest use of our public lands or the best interest of ratepayers and tax payers who will be forced to bear the economic burden of the resulting exorbitant rate increases and inflated taxpayer funded subsidies—not to mention the extensive and cumulative loss of use of our public lands and recreation areas to unnecessary energy and transmission projects. It is especially troubling and irksome when foreign entities will be reaping the rewards at our expense, with much of that tax and rate payer funded booty being spent outside the US and very little being spent within the impacted communities.
On-site and close to point of use renewable energy projects are far less destructive, expensive, and time consuming in regards to approval and litigation, and they do not require the destruction of public lands or extensive and vulnerable transmission lines. Bill Powers, PE, Powers Engineering, an intervenor in the CPUC/BLM CPCN case for the Sunrise Powerlink (App. 06-08-010) provided some compelling research and backup documentation in a December 12, 2008 Ex Parte Communication. Powers’ research shows that it would be cheaper to build 1,000 MW AC of thin-film PV in the urban core than to build the 1,000 MW Sunrise Powerlink. With a few adjustments, the same applies to the $1.4 billion 750 MW SES Solar Two Project, especially when you add in the projected $1.9 billion cost of Sunrise Powerlink and the necessary IV Substation upgrades and expansions for both Phase I and II of Solar Two. I have attached the 44-page Powers Ex Parte Communication (12-12-08) and hereby incorporate his information into the record.

I am also incorporating, by reference, the entire record for the Sunrise Powerlink case noted above, and all of the commentary, criticism, research and testimony that relates to the SES Solar Two Project contained within that record. That extensive record includes much more from Bill Powers along with especially relevant comments from the Utilities Consumer Action Network (UCAN), the Conservation Groups (CBD & Sierra Club) represented by attorney Steven Siegel, and all of their witnesses. I also hereby incorporate by reference Bill Powers Smart Energy 2020 plan (October 2007) which is also part of the Sunrise Powerlink CPUC/BLM project record. UCAN has already announced that they will appeal the CPUC’s controversial December 18th approval of the Sunrise Powerlink using the extensive record and the Assigned ALJ’s denial of the project based on that record. A similar suit is expected from the Conservation Groups.

**SES’s troubling responses to questions about their Solar Two Project**

**During the bus ride for the November 24th Solar Two Project site visit, SES’s Robert Liden provided the following answers to questions posed by myself and others:**

- Stirling Energy Systems has just $100 million of the $1.4 billion needed for the Solar Two Project. (NTR is proposing to invest another $100 million but that is still a mere fraction of what is needed)

- Equity funding is for the pilot project and manufacturing only. Their Imperial Valley Solar Two project is not funded.

- The 5-year accelerated depreciation rate is attractive to investors as are the renewable energy credits. Yet, when they talked to investors in San Diego prior to the November 24th hearing, none signed on.

- The SES solar engines are still in the research and development stage and they are looking at federal loan guarantees for innovative renewable energy concepts.
• SES will be adding another 4 hand made units at Sandia Labs to incorporate some changes in engineering needed for mass production. Their 6 existing units were installed at Sandia 3 years ago.

• They are still working with a Michigan plant on potential manufacturing of the solar engines. (An article in the San Diego UT on 12-14-08, reported that SES plans to have Linamar, a Canadian automotive products company produce the first engine mid-January, test it, and then enter full production by the end of next year).

• They may have a portable factory on-site for assembly of Sun Catcher units. (If so, where will it be located, how big will it be, and what are the impacts associated with that facility?)

• In response to a direct question about how they will deal with and mitigate the fact that the BLM project site is currently designated as a Limited Use (protected) Area with traffic restricted to the few existing routes of travel, Liden ignorantly stated that the Limited Use designation meant the land had limited uses and was not good for much. A corporate executive, looking for public support and the virtual gift of 10-square miles of public land, should have better knowledge of and respect for the land that belongs to the American people.

• They had to move their Solar Two Project boundaries due to significant cultural and historic resources and more may be found. (most associated with the Ancient Lake Cahuilla shoreline, artifacts, cremation sites, and sacrifice areas as noted by Carmen Lucas and the archeologist with Imperial Valley Museum).

• The entire project perimeter area (10-square miles) will be fenced off, as phases progress. OHV trails will be closed and motion activated lighting will be installed. (These impacts, alone, are significant and will completely alter the existing character and appeal of the desert landscape and habitat.)

• The SunCatcher units reportedly close automatically when winds exceed 35 mph. So, where are the onsite anemometers (MET towers)? It generally takes a minimum of three years to properly analyze the average wind speed and the frequency and intensity of wind storms. To a rational person, legitimate site specific wind information would seem to be necessary in order to determine the amount of down time for the SunCatcher units related to wind and dust storm events. Too much wind would translate into too much down time, the potential for sand damaged equipment (mirrors, gears and engines), and reduced power generation–all critical information.

**Transmission / Sunrise Powerlink / IV Substation connection Phase I and II**

During the same site visit bus trip, Liden provided the following information in response to
questions:

- The Solar Two Project is #1 in the CALISO queue to connect to the Imperial Valley Substation for the 300 MW proposed for Phase I.

- Several hundred million dollars will be needed to upgrade the IV Substation for Phase I.

- For the 450 MW Phase II, they are #4 in the CALISO queue for the inter-tie to the proposed IV Substation expansion and the yet-to-be-built Sunrise Powerlink transmission line.

The three big transmission questions are:

- Is there really any remaining capacity on the existing Southwest Powerlink to accommodate the proposed 300 MW of Phase I of Solar Two, beyond the current 80 MW of capacity reported by CALISO and as claimed by Sempra Energy in their April 2008 amendment to their DOE Presidential Permit Application (PP-334) for a new 500 kV transmission line at Jacumba in Eastern San Diego County? Sempra alleges that their new cross-border line is needed to accommodate their 1,250 MW La Rumorosa Wind project, and to connect it to the Sunrise Powerlink. The La Rumorosa project has also been referred to as Baja Wind and more recently as Energia Sierra Juarez. (See Sempra project information at: http://www.semprageneration.com/esj.htm).

- What are projects #1, 2 & 3, which are ahead of Solar Two Phase II, in queue for the expanded IV Substation and Sunrise Powerlink transmission project, and what capacity, if any, will be left on the Sunrise Powerlink for the proposed 450 MW of Phase II of Solar Two?

- What are the alternative means of transmission in the event there is no available capacity on the existing Southwest Powerlink for Phase I, and/or legal challenges overturn the CPUC approval of SDG&E’s highly controversial Sunrise Powerlink project?

American and local jobs

SES representatives repeatedly use the lure of jobs for American and Imperial Valley workers as a reason to approve their Solar Two project. At public hearings in the Valley they talk about all the green collar jobs that will be generated. Unfortunately, the reality will be the importation of already trained workers from elsewhere in the country with very few high paying jobs going to local Valley workers. There is also the very real potential for skilled and unskilled Green Card workers to be brought in from both Mexico and foreign countries to fill the few jobs that will be available. SES has also promoted the project by talking about the American auto workers that will be put back to work building Stirling Solar engines, but the San Diego UT just reported their deal with Linamar, a Canadian automotive products company.
Visual Resources

It was reported that there will be virtually no reflection impacts to passing motorists on I-8 and Navy, US Border Patrol, other air traffic flying in the designated corridor overhead, from the 30,000 mirrored dishes as all light will be deflected. Pilots will reportedly see a gray area. This is rather hard to believe and needs to be verified, especially with the number of potentially impacted drivers on both east and west bound I-8, Dunaway Road, and Evan Hews Hwy, along with the heavy air traffic associated with the Navy Air Station located several miles to the east at Seeley, and the frequent low level Border Patrol helicopter and other Homeland Security related flights in the area.

The complete landscape and character alteration that this project represents is significant, massive and cumulative in nature all on its own. The impacts are off the charts when you add in the many other projects that will be highly visible in the same area like Iberdrola Renewables 200 MW Tule Wind project on approximately 20,000 BLM acres located on the ridgeline to the west, Greenhunter Wind Energy LLC (formerly Windhunter) on their 6,250 acres of BLM land just west of Solar Two, and pending applications for up to 5 more MET towers, in the same general area, with potential industrial wind turbine projects to follow, as noted by BLM in their November 2008 FONSI and Decision Record for Greenhunter’s 197 foot tall MET Tower ROW.

Add in Sempra’s Energia Sierra Juarez (AKA La Rumorosa Wind and Baja Wind) which will cover approximately 60 miles of highly visible ridgeline to the southwest starting at the US Mexico border and Imperial County line, and the Union Fenosa’s Zemer Energía’s 1,000 MW wind energy project, proposed for the same highly visible La Rumorosa area, with the first 500 MW planned for export to the US via the Imperial Valley Substation and local transmission lines. The attached December 9,2008 ‘Motion of Zemer Energia for Party Status” in the CPUC/BLM Sunrise Powerlink proceedings confirms their intent and the fact that they have paid their fees to CALISO. Their motion was granted.

Wind-Zero, another highly visible large-scale community character altering project is proposed on about 1,000 acres of private land between Solar Two and the communities of NoMirage and Ocotillo to the west.

Go to pages 17 & 18 of Sempra’s September 18,2008 Power Point presentation link below, which includes maps and references to the 60 miles of Sierra Juarez (La Rumorosa) ridgeline where Sempra and the Union plan to install industrial scale turbines over 400 feet tall:


For Greenhunter location details, maps and aerial photos go to:

Cultural Resources
Carmen Lucas, a well respected Native American of Kumeyaay decent, spoke passionately about the extensive and highly valued cultural resources placed at risk by the Stirling Solar Two project. Lucas said that she was there at the request of the State Office of Heritage Protection. An archeologist with the Imperial Valley College museum also spoke about significant concerns with the cultural and historical resources at risk and the viability of the project site. When you add the impacts from this one project to all the other proposed and existing projects and the approved and illegal uses, in the El Centro Field Office planning area, the CDCA, and other BLM lands in the region, especially for so-called renewable energy and transmission projects, the cumulative impacts are massive and virtually incalculable.

**Air Quality Impacts / Dust & Fugitive emissions / Cumulative impacts**

The 10-square mile project site and the extent of disturbance to fragile, fine, and sandy desert soils, and the need to run back and forth in vehicles to repeatedly wash the mirrors on 30,000 SunCatcher units, the potential on-site generation and leakage of hydrogen gas, diesel trucks and trains used to deliver equipment, all represent an increased threat of negative impacts to air quality. Add to that the industrial mining and plaster board processing plant at Plaster City, idling diesel train engines and truck, sand mine truck traffic from multiple operations in the area, Plaster City OHV Park and the related OHV traffic and activities, and you have a major problem. It is important to note that disturbed desert soils no longer serve as a carbon sink.

**Water Resources / flood plains / Erosion control**

SES keeps talking about using approximately 32 acre feet per year of IID water for their project but it is unclear if an agreement has been formally secured and what amount of water delivery is guaranteed over the life of the project. Various maps show numerous channels, desert washes, and flood plains through out the project area. Along with concerns for any alterations of the natural flow patterns on wildlife, habitat and groundwater recharge, there are concerns with the potential for inundation of numerous SunCatchers, and on-site infrastructure during El Nino years and significant storm events like Hurricane Kathleen that roared through the area (1977-78?). I experienced that hurricane first hand. It washed out sections of I-8, the rail road, and a wide swath of the community of Ocotillo all near the Solar Two project area. Several maps provided in the Response to CEC/BLM Data Requests 1-52 show numerous Suncatchers, roads, and more, situated within the identified flood plains. Maps also show “debris basins” located in flood plains. All floodplains and natural drainage channels and washes should be off-limits for any project related installations or alterations. Don’t ever underestimate the amount of water that flows in the desert and the destruction it can cause. There are also concerns with the lack of detailed information on the evaporation ponds and the chemical make up and ultimate disposal destination of the resulting waste.

**Loss of Use /Quiet enjoyment and recreation/ OHV**

The cumulative scale and scope of the loss of use, the loss of recreational opportunities, and the quiet enjoyment of our public lands when millions of acres are practically given away, fenced off, altered and transformed into private profit factories, is virtually off the charts and totally unconscionable. This also applies to the loss of and intrusion into designated OHV parks and routes.
Significant and Cumulative Impacts

Multiple renewable energy, transmission, and other projects, including SES Solar Two, high profile industrial wind turbines over 40 stories tall along western ridgelines on both sides of the US/Mexico border, and more potential wind turbines on BLM lands between Solar Two and the more elevated ridgeline projects, transmission and related infrastructure for renewable energy projects, mining projects, quasi military projects, and more, are currently proposed for over 2 million acres of BLM lands in the California Desert District and Eastern San Diego County, some private lands, and hundreds of thousands of acres in Northern Baja, mostly on communal Ejido lands. Separately and together, these projects will result in the following significant and cumulative impacts and more:

- Community Character and Values
- Loss of recreational and public use
- Loss of quiet enjoyment and sense of time and space
- Industrialization of rural communities and open spaces
- Loss of and damage to Cultural and Historical Resources
- Staggering Visual Resource and skylining impacts
- Landscape transformations and alterations
- Wildlife
- Habitat fragmentation and destruction
- Air quality, dust, and fugitive emissions
- Loss of dark skies (light pollution) and scientific resource value
- Increased traffic during construction, operation and maintenance
- Water resources including groundwater, imported water, and recycled water
- Increase soil erosion
- Diverted and denied recharge to fragile aquifers and sensitive habitat
- Disproportionate social and economic burdens to rural and low-income communities
- Environmental Justice issues
- Loss of carbon sink value of undisturbed desert soils
- Green House Gas emissions from increased project activities and manufacturing processes
- Infrastructure
- Traffic
- Utility rates
- Property Values
- Eminent Domain

BLM Land Appraisal / Rent monies paid to BLM / What are local benefits from rent payments

The appraisal of the BLM land to be used for this project needs to be an open and transparent process, with documents and assessments included in the public review process. The land value needs to include the project sites readily available access to utility transmission lines (both low and high-voltage) and substations, public roads and interstate highway, active rail line access, access to imported water from IID through a minimal pipeline extension (7 miles) from the West Side Main canal, existing industrial uses, US Gypsum’s Plaster City, on adjacent land. All of these aspects
make the proposed land much more valuable than other more remote public lands. The lease price should properly reflect those values. What amount of rent money paid to BLM will go to benefit the local BLM lands and /or impacted communities? Or, will all the money go to the general fund as the community of Boulevard was informed when similar questions were asked about the rent monies from Iberdrola’s proposed Tule Wind project on BLM land?

**Bonding and decommissioning**

I agree with the CEC and BLM staff concerns regarding the lack of adequate SES planning and response to questions regarding the funding for decommissioning the project site in the event of bankruptcy or other form of abandonment by the Applicant/Investors. The recent crash in prices for scrap metal and other commodities is part of the cyclical rise and fall of prices over time, and cannot be counted on to pay for the costs of decommissioning, or even to defray the costs. A legitimate and binding bond needs to be secured prior to any project approval or commencement of project activities that will cover any and all decommissioning costs. The tax payers do not need to foot yet another bill for this or any other projects built on public land.

**A Better Way**

There are far better ways to provide reliable renewable energy at or close to the point of use without this invasive and expensive 10-square mile project and the related and litigious Sunrise Powerlink transmission project. In addition to the previous information provided, please see the attached well researched article “The Better Way” by the Alliance for Responsible Energy Policy. It includes a comparison chart showing the disparity for impacts of point of use renewables and industrial scale wind and solar projects. There is more good information at their website at [www.allianceforresponsibleenergypolicy.com](http://www.allianceforresponsibleenergypolicy.com).

December 5th an article was printed in the San Diego Union Tribune regarding the City of San Diego’s proposal to allow residents to pay for solar panels through their property tax bills over 20 years ([http://www.signonsandiego.com/uniontrib/20081013/news_1n13solar.html](http://www.signonsandiego.com/uniontrib/20081013/news_1n13solar.html)). The County of San Diego is considering the same policy. The County also recently supported pursuit of state legislation for feed-in-tariffs for small generators. The Imperial County and IID can and should follow the same path to renewable energy production and independence.

The combination of the new 30% tax credit, being able to pay for solar panels through our property taxes, and the potential to get paid for excess self-generated energy, which is now donated back to the utilities, is the bright future we prefer. This will allow the average citizen, school, church, small businesses, and others to become part of the solution instead of being part of the problem. If feed-in-tariffs are approved (like we enjoyed in the 80’s before the utilities killed them), it will also provide a further incentive for us to install a larger solar system than our home or business needs and to conserve energy so that more will be available to sell back to the grid. This scenario could represent the jump start to the real green energy future and green jobs that most people prefer, once they are provided with the facts and the opportunities. It can also help generate much needed extra income for families, communities, and organizations during these difficult economic times.
Conclusion

The rush to embrace massive and unnecessary projects like Stirling Energy Systems Solar Two, the Sunrise Powerlink, Iberdrola Renewables Tule Wind project, Sempra’s La Rumorosa Wind project (in Mexico), and others throughout the region, should be compared to the rush to deregulate the energy market, to promote massive Ethanol production from corn, and to add MTBE to our gasoline which contaminated groundwater resources. All of these poorly vetted decisions resulted in incredibly expensive debacles with far reaching and unintended consequences that even the best minds have struggled and failed to fix. The old saying ‘act in haste and repent at leisure’ applies to this and other decisions before you. Please deny the Application for Certification, for SES Solar Two. This very controversial project represents yet another incredibly expensive debacle with far reaching and unintended consequences. Now is not the time to further burden struggling ratepayers with billions of dollars that will be paid for through massive rate increases—there is a better way, and we are counting on you to help us get there.

Sincerely,

Donna Tisdale
619-766-4170
donnatisdale@hughes.net

Attachments:
Bill Powers Ex-Parte Communication 12-08
Motion of Zemer Energia for Party Status 12-9-08

The Boulevard Planning Group is an elected advisory land use group serving the approximately 1,600 people who live in the rural Eastern San Diego County community of Boulevard, the San Diego County Board of Supervisors, and various county agencies. At our regular meeting held on August 7, 2008, our group voted unanimously to submit this letter requesting a full EIS and addressing our serious concerns with the proposed project, and the numerous significant and cumulative impacts from other connected direct and indirect actions for multiple interconnected and related energy generation and transmission projects in our area. We also hereby submit and incorporate all previous comments submitted by our group to the DOE on this project. See attachments.

Project review is being improperly piecemeal

The proposed cross-border transmission project does not exist in a vacuum and cannot be treated as a singular, separate, unconnected action. Other projects with connected, related, direct, indirect, and/or cumulative impacts, and effects include the following:

1. Sempra Generation’s proposed and highly controversial 1,250 MW Baja Wind/La Rumorosa Wind/Energía Sierra Juárez project, which has yet to complete environmental reviews or receive any permits from Mexican agencies SEMARNAT or CRE. It is important to note that this project is beyond review by local, state, or federal agencies on the US side.

2. Sempra’s existing LNG line through project area leads to the reasonably foreseeable potential for gas-fired power plants to be built in the La Rumorosa/Jacume area and accessing the US grid via Sempra Generation’s proposed cross-border transmission line. Again, the gas-line, and quality of gas, and emission standards are beyond review by local, state, and federal review on the US side unless and until it crosses north of the border.

3. SDG&E’s existing 500kV Southwest Powerlink (SWPL). SDG&E, Sempra Generation, and CAISO report a remaining SWPL capacity of 80 MW. Others point to a Department of Water Resources contract expiring in 2011 that will free up to 1,200-1,600 MW of capacity.

4. SDG&E’s proposed and highly controversial 500kV Sunrise Powerlink. This project is currently in the CPCN process and joint environmental review under California Public Utilities Commission (CPUC) and the Bureau of Land Management (BLM). The comment deadline on the recirculated DEIR/SEIS ended August 25, 2008. SDG&E, Sempra Generation, CAISO, and others say this new line is needed
to move energy from any project that exceeds 80 MW. Again, others disagree.

5. SDG&E’s proposed and highly controversial 80 plus acre ECO Substation east of Jacumba, will need to undergo review by CPUC and San Diego County, and is needed to connect new energy generated at La Rumorosa (wind and/or “hot” gas) and/or highly controversial proposed wind energy generated on BLM land in Eastern San Diego County and/or Western Imperial County to SWPL, and then to the yet-to-be-approved and legally challenged Sunrise Powerlink. No application has yet been filed with CPUC for the ECO Substation.

6. SDG&E’s proposed expansion of the Boulevard Substation from 1/4 acre to 3/4, onto private property, is reportedly needed to accommodate proposed and highly controversial wind energy generation on BLM land in Boulevard’s McCain Valley. This is part of the ECO Substation proposal. No CPUC application filed.

7. SDG&E’s proposed 14 miles of new 69 kV line between Boulevard and Jacumba including new and expanded easements up to 100’ in width are needed to tie an expanded Boulevard Substation to SDG&E’s proposed ECO Substation, then to SWPL, and then to the illusive Sunrise Powerlink. Again, this is part of the ECO Substation proposal. No CPUC application filed.

8. In late July, the BLM filed a Notice of Significant Changes for the Final EIS for the Eastern San Diego County Resource Management Plan, drastically downgrading Visual Resource Management Classifications and increasing the amount of wind energy access by over 13,000 acres just in Boulevard’s McCain Valley Resource Conservation Area and National Land Cooperative alone. Added to the previously proposed 6,900 McCain Valley acres, the new total is 20,000 acres. Comment deadline ended August 27, 2008. This Planning Group and others are protesting the changes.

9. Another new substation and at least 7-10 more miles of new 69 kV line, on new and expanded easements, are needed to connect PPM Energy/berdrola Renewables’ highly controversial proposed 200 MW wind project, on BLM land in Boulevard’s McCain Valley, to the expanded Boulevard Substation. The proponent has not filed an amended Plan of Development with BLM, gone through the necessary NEPA/CEQA review process, or yet acquired the necessary access or easements for this new transmission line. The County of San Diego has determined that a Major Use Permit (MUP) will be required. No MUP application has been filed.

Recirculation of the revised Sunrise Powerlink DEIR/EIS document was based on CEQA/ NEPA requirements to address the new significant environmental impact; substantial increase in the severity of an environmental impact; and requirements to address significant new circumstances and environmental concerns related to “connected actions” analyzed in the Draft EIR/EIS. Sempra’s expansion of their proposed Baja Wind/La Rumorosa project was the main trigger for recirculation. This alone is justification for a full EIS for the Presidential Permit Application for the proposed project. To see the Sunrise Powerlink documents, go to:
http://www.cpuc.ca.gov/PUC/hottopics/1Fenergy/A0512014.htm

A full and legitimate EIS/EIR is required by both NEPA and CEQA

Significant and cumulative bi-national negative impacts which need to be fully reviewed, analyzed, addressed and mitigated, include but are not limited to the following:

- Non-compliance with NEPA & CEQA
Direct and indirect connected actions include multiple energy and transmission projects
- National Security / Acts of Terror
- Military and Homeland Security line of sight Radar
- US Customs and Border Patrol operations and radio communications
- Law Enforcement and Emergency Services radio communications
- Increased utility rates from heavily subsidized and intermittent wind energy and backup generation
- Public Interest
- Environmental Justice
- Community Character
- Non-compliance/conformance with local land use plan
- Non-compliance with local and state energy policies
- Introduction of industrialization and skylining of undeveloped landscape and ridgelines
- Visual Resources: high quality, geographically extensive, significant and uncluttered viewsheds
- Property values
- Noise
- Air quality / Green House Gas Emissions
- Groundwater and surface water
- Storm water runoff / erosion
- Health
- Tourism and tourism based businesses
- Recreational resources and experiences
- Growth inducement, for both energy and transmission projects, and related sprawl
- Grid reliability / Imperial Valley Substation is Achilles heel of multiple interconnections.
- Importation of power from generation sources that may not comply with state and federal law
- Reasonably foreseeable potential for “hot” gas-fired power plants to access new power line
- Cultural and Historical Resources
- Sacred indigenous sites / Table Mountain and more
- Condor reintroduction plan
- Bats & raptors
- Big Horn Sheep
- Quino Checkerspot Butterfly
- Designated Critical Habitat
- BInational wildlife corridors and habitat
- BInational ongoing conservation efforts for the Park to Parque
- Geographically extensive, significant, and uncluttered visual resources/viewsheds
- Anza Borrego State Park
- Wilderness Areas
- Areas of Critical Environmental Concern

Multiple changes to project name and hearing dates obfuscate public scrutiny

The original name of the project as noted in the December 2007 Presidential Permit Application was Baja Wind. A packet handed to two members of our planning group (Tisdale & Parsons) on June 12, 2008 by Sempra Generation’s Alberto Abreu, bore the title La Rumorosa Wind Project, now we are told the new name is Energia Sierra Juarez. It is difficult for interested parties and the public to keep track of, and comment on, a project when the name, and the project itself, keeps changing. The same is true for multiple hearing date changes. It was reported by a representative for the Highland Senior Center, where hearing was
held, that the DOE first set a hearing date in March and never called to cancel it. After that so many more dates were set and cancelled that they quit marking the dates on the calendar. The lack of timely communication regarding those changes is unsettling. The constant changing of names and hearing dates could be perceived as an attempt to evade or dilute legitimate public participation. Small rural communities do not have Sempra’s budget or staff which makes it difficult to stay on top of all the changes and keep the community properly informed.

August 26th Jacumba DOE EA Scoping hearing: Issues and new information

We do want to express our appreciation for the DOE holding the EA public scoping hearing in the impacted community rather than downtown San Diego or Washington, DC. However, it was rather disappointing to see the degree to which DOE ran guard for Sempra. The obvious DOE defense of Sempra led one member of the public to directly ask if the DOE representative was acting as counsel for Sempra. Another citizen said he was lodging a formal complaint, on the record, that DOE has an improper relationship with Sempra and that improper communication was going on during the hearing—referring to when Sempra’s Joe Rowley stepped up and whispered in DOE’s Brian Mill’s ear during the hearing, and other obvious interactions. It was also odd the way both two-hour hearings were broken up with long breaks in between public comment sessions. Some expressed concern that this was a well-known tactic used to distract folks and to diffuse the energy in the room by dividing the public up into separate little groups for individual, off-the-record conversations, and attempts to persuade them to support a completely undefined and questionable project.

Sempra’s Joe Rowley did eventually answer some questions, on the record, after it became apparent that the lack of their participation was working against them. Sempra’s communications guy, sitting next to Rowley had obviously carefully coached Rowley’s weasel-worded statements. It is clear that one of the main issues: Will there be gas-fired power at this location in the future? is being ducked. Contracts, agreements, and presidential permits can and will be renegotiated and/or amended to accommodate any future change in plans.

New information: Sempra Generation’s Alberto Abreu stated, on the record at both hearings that Sempra now has 314,000 acres under lease along the Sierra Juarez in Northern Baja. This vastly increased acreage represents the potential for vastly increased environmental and other impacts, including impacts to the US grid, and the potential for additional bi-national infrastructure and related and cumulative impacts, and needs to be addressed in a full EIS.

Public Interest rationale is exploited

DOE / BLM are vastly understaffed / rely on proponents/conflict of interest

During research and review of this and other projects, and conversations with a variety of staff, it has become alarmingly apparent that the Department of Energy, the Bureau of Land Management, and other government agencies, are so overworked, understaffed, and underfunded, that they have become overly reliant on project proponents for much, if not all, of the technical, environmental, and legal review of their very own projects. This fox guarding the hen house approach seems to well serve the best interest of those who stand to gain financially while the public’s best interest takes a very distant back seat. In our opinion, this not only represents a serious conflict of interest, it represents a failure on the part of our public agencies to protect, defend and uphold the public trust. The well entrenched “business as usual” is adverse to the public interest.

The failure to uphold the public trust and interest, in order to serve the demands of a foreign-owned proponent, was especially blatant in the July 2008 BLM Notice of Significant Changes to the Eastern San Diego County Resources Management Plan. By comparing the proponent’s protest letter demanding the unwarranted
significant changes, it is obviously apparent to us that the proponent virtually wrote the self-serving changes and the BLM published them in Federal Register.

The Federal Register Notice for this project states that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after favorable recommendations from the US Departments of State and Defense. It further states that in determining consistency with the public interest, the DOE also considers environmental impacts of the proposed project under NEPA, determines the project impacts on electric reliability, including adverse effects on the operation of the US power supply system, and other factors that DOE may find relevant to the public interest.

**Failure to disclose two critical facts:**

Sempra Pipeline and Storage’s existing LNG line runs through project lease area and a new waterline is being installed. 

Transmission+gas+water = gas-fired power plants

The proposed 1,250 wind energy project appears to be another green washed front to allow a much different and more controversial project to move forward under the radar. Sempra Generation withheld critical information, willfully or negligently, from the DOE and the public, thereby, creating the false impression that only wind energy would, or could, be generated at, and transferred from, the La Rumorosa/Jacume area. Sempra Generation failed to disclose that Sempra Pipelines & Storage’s Gasoducto Bajanorte, the existing 30”-140 mile long LNG pipeline, with the capacity to move 500 million cubic feet per day, crosses land leased, from Eijido Jacume, for their La Rumorosa/Baja Wind / Energia Sierra Juarez project. [http://www.semprapipelinesandstorage.com/hajaMap.html](http://www.semprapipelinesandstorage.com/hajaMap.html).

They also failed to disclose the fact that a new water pipe line (approximately 30-36”) is currently being installed through the same area (see attached photo of water pipeline going in along Old Rt 2 in El Hongo). NEPA and CEQA requirements for a full discussion of the facts and any reasonably foreseeable direct and indirect consequences, in EIS/EIR documents. This type of new information triggered a recirculation of the Sunrise Powerlink DEIR/SEIS. Those same NEPA and CEQA requirements trigger the need for a full EIS/EIR for this project.

All three elements required for a new gas-fired power plant will be in place at La Rumorosa / Jacume: transmission, natural gas, and water. When you add a new cross-border transmission line and a new water line, to Sempra Energy’s existing Gasoducto Bajanorte gas line, and Sempra Energy’s brand new $1 billion Energia Costa Azul LNG Facility on the coast south of Tijuana, the potential is clear. The 140-mile northern Baja LNG pipeline, is also reportedly undergoing an expansion and addition of a 45-mile spur to connect to the new Energia Costa Azul LNG receipt terminal, and looping and compression on the existing line. The combination of the above noted on-the-ground facts represents the reasonably foreseeable consequence of a gas-fired power plant at this site. This scenario is similar to Sempra Energy Resources’ cross-border transmission line built to serve their 600-625 MW Termoeléctrica de México, gas-fired power plant near Mexicali, Mexico, and Intergen’s 750-900 MW gas fired power plant, which both connect to the Southwest Powerlink and the grid at the Imperial Valley Substation. We know that the DOE’s approval of Presidential Permit Application for those cross-border powerlines, based on an inadequate EA, was successfully challenged. [http://www.power-technology.com/projects/mexicali/](http://www.power-technology.com/projects/mexicali/).

Increased reliance on expensive intermittent wind energy and importation of energy from out-of-country fails to justify project claims of public interest or grid reliability

Increasing reliance on importation of energy, wind or gas-fired, from Mexico, in a volatile and violent section of the US/Mexico border, does nothing to maintain reliability. Baja law enforcement officers have sought asylum in the US to escape the ongoing bloodshed.

The Mexican military has been installed to take charge of the border region due to entrenched, violent and well-organized and well-armed criminal cartels. Mexican law enforcement agents are given a choice to work with the cartels or die. It is routine to read about the discovery of drug/human smuggling tunnels, and decapitated and tortured bodies in the Northern Baja region. The violence and kidnappings has spilled over into the US. We live on the border and know this is not an issue to be taken lightly. We also know that the cartels and Mexican Mafia have infiltrated the border region and will not hesitate to smuggle in terrorists or hire out for acts of terror.

In the event of a leftist take-over or military coup, energy generation and transmission systems could be nationalized as has occurred in Venezuela under Chavez, and elsewhere.

Increasing reliance on intermittent wind energy, which requires backup generation of up to 90% of the nameplate capacity, does nothing to maintain or increase reliability. It does however, provide a good excuse for Sempra Generation, or other Sempra relatives, to build gas-fired back up generation in the area.

Interconnecting all of the existing and proposed new generation and transmission projects to the same remote and vulnerable Imperial Valley Substation, again in the volatile US/Mexico border area, in an area subject to major earthquakes, significantly reduces overall reliability and fails the public interest test. Those projects include but are not limited to: the existing 500 kV Southwest Powerlink; Sempra Generation’s 625 MW Termoelectrica De Mexicali power plant; Intergen’s 750-1,000 MW La Rosita power plant (not sure how much is imported from Intergen) and the proposed 500 kV Sunrise Powerlink; Stirling Energy Systems 750-90 MW Solar Two; Sempra Generation’s 1,250 MW Baja Wind/Energia Sierra Juarez; PPM Energy/Iberdrola Renewables 201 MW wind energy project on BLM land in Boulevard.

Increased reliance on intermittent, expensive, and imported wind energy will result in increased costs to rate and taxpayers

According to research conducted by WindAction.org, subsidies for wind dwarf most types of fuel at $23.37 MWh, and due to their low rate of actual production (10-30% of nameplate capacity), they require up to a 90% backup from companion generation—usually natural gas. So, a 200 MW wind farm could require up to 180 MW of backup generation. Recent articles state that California has set a high Market Price Referent of around $100/MWh and that has prices have been driven up. Analysts reported 2007 wind energy prices of $85-100/ MWh. We have no doubt that Sempra will succeed in convincing the powers that be that their imported wind energy qualifies for full RPS, Green House Gas credits, and whatever else they ask for.
Sempra, and various subsidiaries, control the local gas market and will benefit from the need to provide gas-fired backup. Baja Wind/La Rumorosa/Energía Sierra Juárez will provide an excellent location for new gas-fired power with a new trans-border transmission line, an existing LNG line, and a new water line in the process of being installed. Sempra will benefit from all of the wind and gas energy revenue and SDG&E will benefit from all the new transmission infrastructure that will be needed to move that energy.

Wind energy is going for around $100 /MWh and represents increased costs for ratepayers: In the Sunrise Powerlink project CAISO’S Draft Preliminary Result’s - Sunrise Economic Evaluation - Critical Assumptions Page 5 (per Aug 22 workshop handout) shows a RPS Value of 66 $/MWh for wind which is far below California’s Market Price Referral (MPR) which is around $100 /MWh. This sets a high asking price for wind output regardless of what a project costs to build. A July 1, 2008 article (renewableenergyworld.com :Westward HO! US utilities scramble for wind) reported that: The increased pressure to comply with RPS mandates has created a volatile market which is putting upward pressure on wind prices. In 2006 levelized cost of wind was expected to be $55-70/MWh. An analyst in Oregon stated that the delivered prices for wind power for 2007 ranged from $85-$100MWh. California’s RPS established a (MPR), of around $100 /MWh, which is essentially the price below which utilities will likely be able to gain recovery from ratepayers. The MPR varies depending on the year a project comes on line and the project length. A spokesman for the California Energy Commission was quoted as saying the 2007 MPR ranged from $92-111/MWh. This discrepancy, which represents significantly higher costs for wind energy, and the negative impact on ratepayers, appears not just a foreseeable consequence of a connected action, it is a new reality which we have asked to be addressed in another revised and recirculated Sunrise Powerlink DEIR/DEIS

Industrial scale wind energy also carries huge subsidies and tax benefits, including: Production Tax Credits, Advanced Depreciation, Investment Tax Credits, the sale of Green House Gas credits, tax shelters, tax waivers, full RPS credit for less than full capacity production, a sale price of around $100 per megawatt hour, plus the potential for the expense/cost of renewable energy, purchased to meet their mandated Renewable Portfolio Standard (RPS), to be recovered from ratepayers. These benefits may provide even more largesse for companies, and /or their parent company and subsidiaries, when they own both generating capacity (including wind farms, and gas-fired back up generation for wind farms) and distribution operations as appears to be the case here with multiple Sempra entities. (California’s 2007 Market Purchase Referent (MPR) ranged from $92-111/MWh (www.renewableenergyworld.com/rea/news/reworld/story?id=52691).

Other significant issues and questions

2007 tracked Condor flight along Sierra Juárez. The little town of El Condor near La Rumorosa was named for obvious reasons. Condors like to glide in the updrafts along the Sierra Juárez where the turbines are proposed. According to the linked article below, in April 2007, a tracked Condor, from the California Condor reintroduction program, flew along the Sierra Juárez project area and into Eastern San Diego County and back. The Condor was released in Baja in 2002. http://www.signonsandiego.com/uniontrib/20070408/news_1inmgayweek.html

How much acreage is really involved with Sempra Generation’s proposal for up to 1,250 MW of industrial wind energy, 7,500 acres or 314,600 acres? If it is proposed for the approximately 7,500 acres as previously stated, it appears to either overstate the proposed installed capacity of the project or to vastly underestimate the amount of acreage needed to accommodate a wind energy project of that size and scale.
According to the California Energy Commission’s “Overview of Wind Energy in California”, the average wind farm requires 17 acres of land to produce one megawatt of electricity. If true, the 1,250 MW wind farm would require at least 21,250 acres, not the proposed 7,500 acres. If the project will be spread over the newly announced 314,000 acres under Sempra control, then this needs to be fully confirmed and analyzed in an EIS.

**Where will the water come from?** For turbine construction in La Rumorosa, the Sunrise Powerlink RDEIR/SEIS document states that about 6,000 gallons of water is needed for concrete for each turbine footing. While this issue is under Mexican jurisdiction, and should raise serious questions and concerns, there should be no manner of cross border water supply/transfer approved or allowed.

The 1,250 MW La Rumorosa Wind project is beyond US, California, and San Diego County regulation or control. Environmental studies are incomplete and lack approval from Mexican agencies SEMARNAT and CFE. A the June 12, 2008 meeting in Jacumba, Alberto Abreu, Director Project Development for Sempra Generation, and Kelly Prasser Regional Manager, Corporate & Community Relations, Sempra Energy, informed two Boulevard Planning Group members (D. Tisdale & B. Parsons) that they had nine anemometers in place and only one year of wind data for La Rumorosa, they are reportedly working with Mexican Ecology institute on avian and bat surveys “in Mexico”, they are trying to get the San Diego Zoo involved in Condor and Golden Eagle surveys, and they had not yet conducted micro-wave beam path study for radar impacts—which may end up reducing the number of turbines allowed. Radar impacts at Arborfield near the Heathrow airport recently resulted in a reduction of proposed turbines.

**Phase I of La Rumorosa’s proposed wind production was originally purchased by SCE and later withdrawn (8-4-08)** after the Power Purchase Agreement was challenged by the CBD/Sierra Club in a letter to the CPUC (1-29-08), stating that the project appears likely to violate an international treaty, state, and federal environmental law. And yet, Sempra still displays the Southern California Edison (SCE) Power Purchase Agreement on their webpage.

http://www.semprageneration.com/development.htm

The Sempra PPA-334 application addendum (3-19-08) states that they have eliminated their initial activity described in their December 2007 application to install 10 MW of wind generation to be interconnected locally to the CFE electrical grid (Jacume project). Has Ejido Jacume been notified of this change, or would they be advised later that “the experimental turbines just didn’t work out as we had planned—so no electricity for you”.

**Visual Resources / vast uncluttered vistas are treasured:**

Residents and visitors alike, admire, enjoy and expect to continue to enjoy, our glorious sweeping and uncluttered vistas. There are numerous geographically extensive high quality visual resources and view sheds from the high points of Boulevard that straddle the Tecate Divide. The La Rumorosa project area of the Sierra Juarez is highly visible from many sections of Tierra Del Sol Road and general Tierra Del Sol area along the Tecate Divide, also from the Sierra Heights and Jewal Valley area of Boulevard. It is also highly visible from east bound Historic Route 80 as you crest the Tecate Divide at Tierra Del Sol Road, and from miles of 1-8. Due to the extensive height of the turbines, in excess of 400 feet with blinking lights, they will also be visible from many parts of Anza Borrego State Park, Jacumba Wilderness Area, the Pacific Crest Trail, Table Mountain, Carrizo Gorge Canyon Wilderness Area, McCain Valley Resource Conservation Area, and from many other locations on both sides of the Sierra Juarez/In-Ko-Pah Mountains and from both sides of the US/Mexico border. These significant visual impacts and degradation of high quality view sheds become even more overwhelming when you add in the cumulative impacts from the increased wind energy access on BLM lands in McCain Valley (PPM Energy/Iberdrola Renewables 200 MW Tule Wind Project), and on tribal and
SDG&E’s ECO Substation

The SDG&E project manager and the La Rumorosa representative have both stated, that the Jacumba/ECO Substation had been moved further to the west to avoid Big Horn Sheep Habitat, even though they expected USFW to move the BHS boundary to the north of I-8. After reading earlier testimony from Ester Rubin regarding BHS movement under and south of I-8, and knowing the pressure reportedly applied to various federal agencies, under the current administration, this raises concerns that undue pressure may have been applied to the USFW to benefit the proposed project. The area is also Quino Checkerspot Butterfly habitat and more.

The Sunrise Powerlink R&EIR/SEIS at Page 2-6: states that a 300,000 gallon water tank will be installed along with a fire-prevention system and hydrants. The entire San Diego backcountry is reliant on well water with no viable alternative or access to imported water. Where will that amount of water come from and how will it be delivered? If delivered by truck, have those additional vehicle trips/emissions been factored in? Emergency generators should be required to run on propane and not on diesel. There are also concerns with impacts on archeological, cultural, and historic resources, and on our dark skies. This area is one of the last dark sky areas in all of Southern California.

SDG&E Boulevard Substation demo,
14 miles of new 69 kV line and 100’ easements,
and a Wooden to Steel Pole project:

SDG&E’s proposed ECO Substation includes 14 miles of new 69kV line between the ECO and Boulevard Substations, and expansion of the Boulevard Substation from 1/4 acre to 3/4 acre. This is yet another separate review by the CPUC and the County of San Diego. As of August 21, the SDG&E project manager, Darren Wein, stated they are close to having the Proponent’s EA report ready and will attach it to Permit to Construct (PTC) application and file the package with the CPUC perhaps by September. SDG&E has informed us that they will need a new 100’ easement for the 69 kV line adjacent to SWPL. A majority of the segment running along the 12kV easement from Boulevard to SWPL will require also new right of way. The easements where they will over build the 12 kV with 69kV will need to be widened from around 30’ to 100’ to accommodate the transmission needs. Much of these impacts and intrusions will occur on private property. And those impacted property owners are not happy campers.

Previously undisclosed impacts from SDG&E’s proposed Jacumba/ECO Substation and the recently disclosed demolition of their existing 1/4 acre Boulevard Substation to rebuild the new 3/4 acre Boulevard substation (to accommodate wind energy) will most likely result in a repeat of the 2005 situation when SDG&E’s 69 kV line had to be reconducted to accommodate the 50 MW Kumeyaay Wind Facility. Boulevard, Jacumba, and several tribal communities, were taken off-grid and placed on 2-3,000 HP diesel emergency generators approximately 2 months. (Boulevard Planning Group letter to SDG&E 3-16-05 & Meeting Minutes for 3-3-05). We suffered through repeat power outages, brown outs, and surges. Locals reported that they suffered damaged and lost equipment including well pumps, appliances, computers, an incubator and ostrich eggs. This time around, we want an independent monitor to record the power surges and brown outs so we have evidence to secure reimbursement from SDG&E for damaged equipment and other losses.
The Sunrise Powerlink RJEIR/SEIS document wrongly states at page 2-24, 2-29, 2-50: that due to the substation expansion involving already developed land, no special status plants species have a potential to occur. According to the property owner whose property abuts the Boulevard Substation on the east, SDG&E made an offer to purchase her property for the substation expansion, reportedly stating they needed her property because the property to the northwest, originally proposed for the expansion, has some environmental issues that would prove problematic for them. As of August 22, SDG&E had not further pursued purchase of the property to the east. Neighbors have expressed alarm and concerns with extended disruptions and negative impacts from this proposed substation expansion new transmission lines, new and expanded right of ways, noise, light, dust, disruption of power, reduced property values health impacts and more.

SDG&E has also proposed a Wooden to Steel Pole project for their 69 kV line that runs west from the Boulevard Substation. While the project manager for the ECO Substation has stated the two projects are not related, yet, another SDG&E proposal to build a new substation in Jamul in addition to another Wooden to Steel Pole project there, has raised eyebrows. This new development may represent the initiation of a scenario put forward by SDG&E's Jim Avery at an April 28, 2006 meeting with myself (Donna Tisdale), Kelly Fuller, and Don Parent: If Sunrise Powerlink is not built, SDG&E will have to upgrade two smaller transmission lines that connect Boulevard to San Diego. In 2003-4 the estimated cost was $200-300 million dollars. On August 28th, Jim Avery confirmed in a phone conversation (w/Tisdale) that 200 MW of wind energy is needed to tap into the Southwest Powerlink. In 2003-4 the estimated cost was $50-75 million. That $50-75 million estimate does not include related costs or include the new 10 miles or more of new 69 kV line from McCain Valley to the Boulevard Substation, or the private easements that need to be obtained and purchased by any wind energy developer.

BLM Notice of Significant Changes/triples wind energy access & impacts:

The July 2008 BLM Notice of Significant changes for the Final EIS for their Proposed Resource Management Plan for Eastern San Diego County (DOI/BLM Notice # 4310-40, 7-28-08) significantly downgrades Visual Resource Management (VRM) Classifications in order to increase wind energy access from the previously proposed 6,900 acres to over 34,000 acres, including Lark Canyon OHV Park and Cottonwood Campground. PPM Energy/Iberdrola Renewables' proposed Plan of Development, for their Tule Wind project in McCain Valley Resource Conservation Area and National Land Cooperative, is currently being revised to address the significant increase in available acreage. The PPM Energy/Iberdrola wind energy project is the current reason for the proposed expansion of the Boulevard Substation and the 14 miles of new 69kV line to the Jacumba/ECO Substation. This does not include the new transmission line that will be needed to connect Tule Wind to Boulevard Substation. The tripling of wind energy access on BLM lands changes the dynamics of potential wind energy in the Boulevard/Crestwood area, including tribal projects, creating a multitude of cumulative negative impacts that need to be addressed in a full EIS.

Much of the ruggedly beautiful McCain Valley Resource Conservation Area and National Land Cooperative will be downgraded from VRM Class II to Class IV, which allows the most destruction and negative visual and other impacts possible, all at the request of one foreign energy corporation who is also the main beneficiary. The sole impetus for these new and significant changes is the January 2008 protest letter, from PPM Energy/Iberdrola Renewables, protesting that the proposed access to 6,900 acres of public land was not enough. While forcefully and greedily demanding more access, they failed to mention that they already have Right of Ways securing another 44,400 acres of BLM land, for wind and solar, within in the BLM's California Desert District, alone. How much public land and American taxpayer funded subsidies and
other benefits will our government give them? These unwarranted changes will result in a tripling of the already significant and cumulative impacts to our natural, cultural, and visual resources, to community character, and community disruption during construction and operation. The community of Boulevard, along with the tribal communities of Campo, La Posta, and Manzanita will bear the heaviest burden of these cumulative negative impacts.

Conclusion

The proposed project is so interconnected and intertwined with so many other projects that in cannot be considered a stand alone project. In fact, the proposed project is viewed by our group and others as a deceptively green-washed driver for approval of SDG&E’s highly controversial and legally challenged Sunrise Powerlink project.

The significant and cumulative impacts from those multiple projects are staggering and far reaching. The proposed project does not by any means, or stretch of the imagination, meet any qualifications for approval with an EA. It is adverse to the public interest, energy reliability, energy costs, the environment, wildlife and more.

It is our strong opinion and belief that there is no way that the DOE can legally or ethically deny the increasing calls for a full Environmental Impact Statement for Sempra Generation’s Presidential Permit Application for their 500 kV cross-border transmission line. All of the legitimate and significant issues raised by the CPUC in their Sunrise Powerlink RDEIR/SEIS, by our community planning group, by the County of San Diego, by the Center for Biological Diversity / Sierra Club and by many other citizens and interested parties, need to be fully and fairly reviewed, analyzed and addressed in a full EIS prior to any approvals for this controversial project or any of the other related and connected projects. We look forward to receiving the Notice of Intent to Prepare and EIS for this project.

Sincerely,

Donna Tisdale, Chair

CC: Interested parties

Attachments:

Photo of new Baja water line
Panoramic (1) photo/view of Sierra Juarez ridgeline from Old 80 and Tierra Del Sol in Boulevard
Panoramic (2) photo/view of Sierra Juarez ridgeline from Jewel Valley Way in Boulevard
Panoramic photo/view of snow covered Sierra Juarez ridgeline from McCain Valley
SDG&E draft map of ECO Substation and 14 miles of new 69 kV line to Boulevard Substation

Boulevard Planning Group comments on Sunrise Powerlink REIR/SEIS 8-25-08
Figure 1: Project Location Map

East County 500/230/69kV Substation Project

Preliminary Draft
Boulevard Planning Group
619-766-4170
P.O. Box 1272
Boulevard, CA 91905

Office of Electricity Delivery and Energy Reliability (OE-20)
US Department of Energy
1000 Independence Avenue, SW
Washington DC 20585-0350

March 21, 2008

VIA e-mail and certified mail

RE: APPLICATION FOR PRESIDENTIAL PERMIT; BAJA WIND US TRANSMISSION, LLC (OE Docket No. PP-334)

Dear Sir or Madam,

We hereby protest/oppose the proposed SEMPRAs cross-border Baja Wind project near Jacumba and La Rumorosa which will impact our rural community in numerous ways creating concern and controversy. Our community planning group advises the County of San Diego on local land use issues and impacts. At our regular meeting, held on March 6, 2008, we voted 6-0-0 to submit these comments by the March 24th deadline.

The proposed project appears to be integrally related to the Sunrise Powerlink (SPL) project, proposed by SEMPRAs subsidiary, San Diego Gas and Electric, which is currently in the DEIR/EIS phase of review by the California Public Utilities Commission and the Bureau of Land Management (Application A.05-12-014 and A.06-08-010). The DEIR/EIS, prepared by Aspen Environmental, was released for public review and comment on January 03, 2008. The comment deadline is April 11th. The entire document is available at: www.cpuc.ca.gov/environment/info/aspen/sunrise/sunriselv.htm

In that document, a much smaller variation (250 MW) of the current proposed Baja Wind project (1,250 MW) is referred to as Rumorosa Wind Developers, II and the Jacumba Substation. SEMPRAs DOE application for Baja Wind, noticed in the Federal Register on February 22, 2008, almost two months after the SPL DEIR/EIS was released to the public, identifies the Southwest Powerlink (SWPL) as the grid connection for Baja Wind. SDG&E has stated that their proposed SPL is needed to create more transmission capacity on the SWPL to move more energy from La Rumorosa and other potential generators on the US side including wind proposals on BLM land in the McCain Valley and Table Mountain area and included in the SPL DEIR/EIS. The I-8 Alternative and the Modified Route D Alternative for SPL runs in the same transmission corridor and is listed as the fourth of seven environmentally superior alternatives to the proposed SPL project.

For reasons noted above, we hereby incorporate every review comment, reference, significant unavoidable impact, cumulative impacts, and backup documentation, et al, associated with the proposed Baja Wind and other proposed wind energy/ transmission projects, as reported/referenced in the SPL DEIR/EIS. We also hereby incorporate the attached Phase II testimony for Jerre Ann Stallcup and for Esther Rubin, submitted on behalf of the Center for Biological Diversity (3/12/08), as part of the SPL application for the Certificate of Public Convenience and Necessity. Their testimonies discuss the much smaller La Rumorosa proposal and the negative impacts on wildlife, wildlife corridors, cross-border linkages, and investments of public monies for conservation purposes, and more. Therefore, the impacts they discuss will multiply in scale along with the six fold increase in the size and scale of the proposed Baja Wind project.
There are many concerns including, but not limited to, the following:

- There will be a substantial and significant increase in industrial character, industrialization of the landscape, increased visual contrast and structure prominence, skylining, view blockage, diminution of visual quality and resources.

- There will be a significant increase in the probability of wildfire based on increased power generation and infrastructure and increased human activities and access to remote sites via new easement roads.

- There will be significant negative impacts to rural community character, property values, quality of life, open space, wildlife and their cross-border corridors, natural and cultural resources.

- There will be significant negative impacts on adjacent Peninsular Big Horn Sheep and Quin Checkerspot Butterfly habitat, the Jacumba Wilderness Area, Table Mountain ACEC, as well as impacts on sensitive and protected lands, habitats, wildlife, and cultural resources that straddle the US/Mexico border including the Los Californias Binational Conservation Initiative, which includes Bighorn Sheep Habitat in Baja California Norte in the Sierra Juarez Mountains.

- The Los Californias Binational Conservation Initiative (LCBCI) is a collaborative effort of the Conservation Biology Institute, The Nature Conservancy, Terra Peninsular, and Pronatura, striving to protect the ecological integrity and connectivity for the full complement of natural communities, processes and wide-ranging species in the Los Californias region. It has been adopted by the US Bureau of Land Management, California State Parks, and the California Biodiversity Council, among others and is part of their planning agency planning vision. (see attached testimony of Esther Rubin on behalf of Center for Biological Diversity).

- As part of the LCBCI, a trans-boundary park has been proposed which would link the Anza-Borrego Desert State Park with Parque Constitucion de 1857 in Baja California, near La Rumarosa (see attached testimony of Esther Rubin on behalf of Center for Biological Diversity).

- As part of LCBCI objectives and conservation targets, California State Parks just acquired the cornerstone for the Parque-to-Park binational linkage. Conservation efforts are also underway in the Sierra Juarez as part of the Parque-to-Park. (Esale-Jacumba property, see text and Map two in the attached Jerre Ann Stallcup testimony on behalf of the Center for Biological Diversity)

- Potential negative impacts on other in process conservation efforts including the County of San Diego’s Multiple Species Conservation Plan for East County. Go to www.msep.sandiego.org or contact Kimberly.Zuppiger@sdcounty.ca.gov.

- Negative impacts on the long term efforts and investments by multiple conservation, environmental and governmental agencies on both sides of the US/Mexico border.

- Environmental Justice issues/impacts on the low income communities of Jacumba, Boulevard, Jacume and LaRumarosa.
• Increased potential for future expansion of transmission, generation facilities, pipelines, and other corridors in immediate area on both sides of the US/Mexico.

• SEMPRA's Gasoducto Bajonorte Pipeline crosses Baja Norte east to west in close proximity to La Rumarosa (see attached map from the Gasoducto Bajonorte website). Along with the Department of Energy's recent 368

• West Wide Energy Corridor (DOE/EIS 0386) designation for the existing Southwest Powerlink corridor, and the connection between the proposed Baja Wind project and the existing Southwest Powerlink, there is the potential for a cross-border LNG or other fuel pipeline(s) at this location in a groundwater dependent area with no access to imported water.

• Any LNG or other fuel pipeline would represent the potential for more gas-fired power plants to be built on Mexican side of the border with less restrictive environmental standards, such as those gas-fired power plants located near Mexicali and La Rosita, exporting energy via the Southwest Powerlink and other connections.

• Drilling/blasting for turbine and tower footings can disrupt and/or redirect groundwater flow as well as cause contamination through the introduction of chemical drilling fluids, fuel spills and more. Erosion from construction can also cause a rerouting of surface water flow and groundwater recharge. Locals are totally reliant on fragile and vulnerable groundwater resources.

• Negative impacts on cross-border air quality due to construction activities and equipment.

• Disturbed soils, graded areas, new access roads, all create the potential for increased air quality impacts, erosion issues related to both wind and water.

• Why does SEMPRA need the proposed cross-border 500kV line or two 230 kV lines to connect with the existing 500kV Southwest Powerlink? Where and how will the excess transmission capacity be connected?

• Blinking aviation warning lights, both day and night, on geographically elevated ridge lines, will result in significant negative impacts to our treasured panoramic visual resources and to our dark sky resources which are some of the last remaining dark sky resources in the Southwest. The San Diego Astronomy Association's Tierra Del Sol Observatory is located in Boulevard near the US/Mexico border and attracts astronomers and scientists from around the world.

• Significant Cumulative Impacts will result from the proposed Baja Wind project, the existing Southwest Powerlink the proposed Sunrise Powerlink Route 8 and/or Modified Route D alternative, the West Wide Energy Corridor, other wind energy proposals in the area, as referenced in Sempra's Baja Wind application, and the DEIR/EIS for the Sunrise Powerlink project.

• How do the local Mexican communities feel about the negative impacts to their communities, both human and natural, to export 100% of the power to the US? How involved is the local Municipality of Tecate, Mexican ejido, community, conservation, and environmental groups?

• How do they feel about the negative impacts on the binational efforts for the Pargue-to-Park?
Conclusion:

The Baja Wind proposal is too massive and industrial in scale to fit in with the existing rural community character. It is wrongly proposed in an area of almost unblemished rugged beauty and sensitive habitat. It is proposed for an area that is of significant cross-border concern with ongoing in-depth efforts at conservation and protection. It represents significant and virtually unmitigable impacts to visual resources, wildlife habitat, quality of life, property values, public efforts and investments in conservation, and more. Please deny the Presidential Permit for this project. For more information, contact me at 619-766-4170 or donnatisdale@hughes.net

Sincerely,

Donna Tisdale, Chair

cc: Interested Parties

Attachments: Sunrise Powerlink Phase II Testimony of Esther Rubin
Sunrise Powerlink Phase II Testimony of Jerre Ann Stallcup
Gasoducto Bajaniorte map
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Diego Gas &
Electric Company (U 902-E) for a Certificate of Public
Convenience and Necessity for the Sunrise Powerlink
Transmission Project

Application 06-08-010
(Filed August 4, 2006)

PHASE II DIRECT TESTIMONY OF JERRE ANN STALLCUP ON BEHALF OF
THE CENTER FOR BIOLOGICAL DIVERSITY AND THE SIERRA CLUB

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Dated: March 12, 2008
Critical environmental concerns that should inform the CEQA/NEPA process

Testimony of Jerre Ann Stallcup, Conservation Biology Institute

My name is Jerre Ann Stallcup. I am a conservation biologist with the Conservation Biology Institute, a nonprofit organization that provides science support for habitat conservation. I have been working in conservation planning in San Diego County and in California for 20 years and am intimately familiar with the conservation plans that may be impacted by the Sunrise Powerlink. My CV is included as Attachment A.

Background

In 1991 the State of California passed the Natural Community Conservation Planning (NCCP) Act which authorized the development of conservation plans intended to benefit the general public through open space conservation, access for passive recreation, and an improved quality of life, while at the same time allowing continued economic development of the region. Because of fast-paced development and associated loss of native vegetation in Southern California, hundreds of species have become increasingly rare or threatened with extirpation or extinction, and dozens of plant and animal species have been listed as Threatened or Endangered by the California Endangered Species Act and the federal Endangered Species Act. The large-scale NCCP programs, which are conducted regionally in conjunction with federal Habitat Conservation Plans (HCP), are intended to replace the species-by-species, project-by-project approach to conservation planning and development permitting by addressing the conservation of multiple habitats, ecosystem processes, and the myriad species they support. Without such planning, species may continue to be federally and state-listed and thereby constrain future development, which would affect employment and the economic health of the region. NCCP programs provide direct economic benefits by reducing constraints on future development.
outside the preserve and decreasing the costs of compliance with federal and state laws protecting biological resources.

The NCCP Act recognizes that Southern California is at the center of a global biodiversity hotspot, 1 of 25 hotspots on the planet, which harbors species that occur nowhere else on Earth (Mittermeier et al. 1998, 1999). San Diego County, which encompasses over 4,200 square miles, has more Threatened and Endangered species than anywhere else in the continental United States. The San Diego region is at the forefront of planning for ecosystem management, with four large-scale NCCP programs underway. Approximately 200,000 acres already have been proposed for conservation as part of the Multiple Species Conservation Program (MSCP) and Multiple Habitats Conservation Program (MHCP), approved in 1997 and 2003, respectively, and much of this conservation has already taken place. The North County and East County MSCPs are projected to more than double this total. These ecosystem-based conservation plans represent unprecedented cooperation and partnerships among local jurisdictions, state and federal agencies, environmental groups, and the development community.

In November 2004 San Diego voters approved, by a 2/3 vote, Proposition A or TransNet, a local transportation initiative that requires and funds conservation, management, and monitoring of lands as mitigation for transportation projects. The TransNet ordinance further emphasizes the public’s continued desire for effective ecosystem conservation in San Diego County.

The completion of the NCCP programs in San Diego County, as originally envisioned, in combination with the backcountry land already committed to conservation by state and federal agencies over the last century, will contribute to the recovery of listed species and prevent the listing of other rare species under the state and federal Endangered Species Acts by conserving functional native habitats representative of the biological diversity of this region. Furthermore, these plans will protect the irreplaceable esthetic and wilderness values that the public expects.
for maintaining the region’s quality of life.

Implications of the Powerlink to Habitat Conservation in San Diego County

The Sunrise Powerlink, if constructed as proposed, may have significant unmitigable direct and indirect impacts to (1) biological resources and ecological processes and (2) land conservation and management efforts in San Diego County. The NCCP programs were developed to comply with state and federal endangered species acts. Therefore, preserving the integrity of these programs is critical not only to biodiversity conservation, but also to regulatory permit conditions for future development, which relies on these programs for endangered species permits (Attachment B—letter from Mayor Susan Golding, MSCP Plan, August 1998).

The environmental documentation for the Sunrise Powerlink should consider the direct, indirect, and cumulative impacts of construction and maintenance of a transmission corridor across conserved lands in San Diego County, with particular focus on the implications to approved and developing NCCP plans and San Diego’s backcountry wilderness values. The comments below are divided into (1) Direct and Indirect Impacts and (2) Compliance with Existing Plans and Agreements.

1. Direct and Indirect Impacts

The Preliminary Environmental Assessment (PEA) for the Sunrise Powerlink details the direct impacts of the construction and maintenance of the transmission line and associated facilities. It does not adequately address the indirect impacts of this project, which are far more insidious, invasive, and difficult to mitigate for or manage. The direct impacts, including clearing vegetation for construction staging areas, helicopter flight staging areas, access roads and rights-of-way, substations, and power structures, will fragment the natural habitats, pocking the landscape with roads, cleared areas, and developed structures, effectively cutting the area into multiple, separate habitat patches. The impacts of this action will be realized in habitat
The County of San Diego, California Department of Fish and Game, and U.S. Fish and Wildlife Service have developed an NCCP Agreement for proceeding with the East County MSCP (geographic area shown in Attachment C). The agreement establishes a process to review interim development, before the plan is finalized, to ensure that proposed projects are consistent with the preliminary conservation objectives and do not compromise successful completion and implementation of the plan. The Sunrise Powerlink has the potential to compromise or preclude conservation opportunities in the East County plan.

Much of the East County planning area is part of the Las Californias Binational Conservation Initiative (CBI et al. 2004; Attachment D), which has been embraced by federal, state, and local governments and nongovernmental organizations on both sides of the U.S.-México border. A subcommittee of the California Biodiversity Council (CBC) (Attachment E) continues to meet on conservation issues in this area, because continued development in the border region threatens to bisect this globally unique ecosystem. A transboundary park has been proposed which would link Anza-Borrego Desert State Park with Parque Constitución de 1857 in Baja California (CBI et al. 2004), and this idea is being pursued through the CBC subcommittee and other forums. Proposed Powerlink alternatives cut through this area, where public and private funding has already been invested in conservation of important properties. Thus, the potential impacts of the Sunrise Powerlink could have binational implications to the shared ecosystems along the border.

Summary

In summary, environmental review of the Sunrise Powerlink should consider:

- Cumulative loss of habitats and species that occur no where else on Earth.
- Greater fragmentation of remaining habitats, increased edge effects, and thus costlier management.
- More roads and thus greater public access to backcountry areas, increasing the threat of fire.
Las Californias: Binational Conservation Initiative

A vision for conservation in the California–Baja California borderlands

What's at Stake

Las Californias, where California and Baja California meet, is at the center of an internationally-recognized biodiversity hotspot (South Coast Floristic Region). Las Californias harbors an extraordinary number of plants and animals that occur nowhere else on Earth.

Over 400 species in the 2.5-million-acre region are endangered, threatened or otherwise sensitive to human impacts.

Signature species include the federally listed California groundscraper, Quino checkerspot butterfly, arroyo toad and Peninsular bighorn sheep.

The region’s biodiversity is the product of a wide range of landscape features, including coastal mesas, rolling foothills, vast fertile valleys and rugged Peninsular Ranges, combined with dramatic gradients of temperature and rainfall.

Threats

Las Californias is home to a growing metropolitan area (San Diego, Tijuana, Tecate) of over 5 million people.

Encroaching development along both sides of the border threatens to sever the two Californias and jeopardize the future quality of the region's biodiversity.

Opportunity for Binational Conservation

Conservation: Biology Institute, The Nature Conservancy and Pronatura, a Mexican non-governmental organization, have joined to conserve the region’s biodiversity.

In 2004, the partnership developed a science-based blueprint that represents a future conservation reserve network including:

- large intact wildlands
- irreplaceable resources that are unique or highly restricted in their distribution
- binational corridors that support wildlife movement

This blueprint presents an opportunity for governments, non-governmental organizations, academia and the private sector to work binationally to protect the resource and enrich the health, economy and quality of life for all border residents.

Progress

Approximately 2,500 acres out of 21,700 acres targeted in San Diego County have been conserved.

Pronatura has secured a conservation easement from a private landowner in Baja California to conserve 2,000 acres of habitat at the base of Tecate Peak.

For information on Las Californias contact:
Kathy Vielna (kvieles@tno.org)
Jesse Ann Stallcup (jastallcup@consbio.org)
Miguel Vargas (mvargas@pronatura-noroeste.org)
Las Californias Binational Conservation Initiative

Vision: Protect environmental health, urban green spaces, rare species.

Vision: Protect ecosystem services, wildlife corridors, sustainable communities.

Vision: Protect ecological processes, landscape permeability, compatible development.

Vision: Protect ecological function and intactness, and the viability of representative biodiversity.
DATE: November 9, 2006

FROM: Mike Chrisman, Secretary for Resources
       Co-Chair, California Biodiversity Council

TO: California Biodiversity Council and Other Interested Parties

SUBJECT: Council Thanks and Update, Biodiversity Along the Border Committee

Thanks to all of you for making our September 27-28 Council field tour and meeting in San Diego a great success. As you know, the Council decided to form a "Biodiversity Along the Border Committee" to follow up on several natural resources issues common to both Mexico and the United States. We also asked that the executive committee and staff organize a meeting of the new committee prior to December 14, our next Council meeting.

I'd also like to give you a short update on our progress since September 28.

Mike Pool, state director, Bureau of Land Management, and I have discussed the new committee. The Resources Agency will lead this effort as the work will largely involve coordinating programs led by the State of California and the State of Baja. CBC staff lead Mike Chapal, US Forest Service, will serve as my coordinator as we begin this project. Mike will work with Ricardo Martinez (State Water Resources Control Board) to coordinate work from Sacramento.

On October 6, the CBC executive committee recommended that we hire a part-time local project coordinator. Janet Fairbanks was identified by the committee for that role and has agreed to participate. Recently retired from SANDAG, Janet had the lead role in organizing our September meeting. As the necessary arrangements to bring Janet on board are in the works, she and Mike are drafting a work plan for the Biodiversity Along the Border committee. To date, we have confirmed that the following CBC members have agreed to serve on the committee:

California Department of Fish and Game
California Department of Parks and Recreation
California Environmental Protection Agency
Update
November 9, 2006
Page 2

California Department of Forestry and Fire Protection
California Resources Agency
Integrated Waste Management Board
SANDAG
State Water Resources Control Board
USDA Forest Service
USDA Natural Resource Conservation Service
USDI Bureau of Land Management
USDI Fish and Wildlife Service
USDI Geological Survey
U.S. Environmental Protection Agency
U.S. Geological Service

It would be most helpful if the listed agencies could provide the name of their primary contact for this project as soon as possible. All remaining CBC members are encouraged to participate if they are willing to help us pursue the action items listed below that were discussed at the meeting. Please contact Mike Chapel or Lauren McNees if your agency is interested in participating. If your agency has already committed to participate, please send the contact information for your committee representative to Lauren McNees as soon as possible.

In sum, the action items that we identified for our new committee on September 28 are:
- Identifying next steps for pursuing the Las Californias Binational Conservation Initiative
- Considering new or revised conservation easements in the region
- Seeking funds for several water quality improvement projects in the Tijuana River Basin

We are also planning to invite participation by the governments of Baja, Tijuana, and Tecate. The Border Patrol Agency is not a member of the CBC, but we will also seek their assistance. Some key non-profit groups such as The Nature Conservancy and Pronatura will also be asked to join.

As always, we welcome your thoughts on our planning and progress. I look forward to working with many of you as we begin this important new effort. If you have questions or comments about this project, please forward them to Mike Chapel (916.496.5323 or mchapel@fs.fed.us) or Lauren McNees (916.445.5845 or lauren.mcnrees@fire.ca.gov).
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June 23, 2008

VIA E-MAIL

RE: Formal Request for delayed scoping hearings on PP-334

Dear Ms. Russell,

Ssempra Generation has a pending DOE Presidential Permit Application (PP-334) for a cross-border 500 kV transmission line connecting their La Rumarosa Baja wind project with the Southwest Powerlink. Attached is the June 20th CPUC ruling ordering the re-circulation of portions of the Sunrise Powerlink DEIR/EIS due to new information on Sempra’s La Rumarosa project.

Please consider this a formal request to delay any planned DOE scoping hearings on Sempra’s PP-334 until late July or August at the earliest, based on the attached CPUC ruling, and other new information. This will give the public time to receive and review the revised Sunrise Powerlink DEIR/EIS information on Sempra’s project prior to any DOE scoping hearing.

In their March 19th Submittal of Addendum for PP-334, Sempra Generation noted that CAISO had since indicated that the Sunrise Powerlink or other transmission upgrade will be necessary to deliver energy from La Rumarosa.

In an April 11th letter to the CPUC and BLM, Sempra Generation’s Alberto Abreu had argued against inclusion of their project, and the related SDG&E proposed ECO Substation at Jacumba, in the Sunrise Powerlink DEIR/EIS claiming they were neither connected nor indirect actions.

The Administrative Law Judge, the assigned commissioner, and others, were right to disagree with Abreu’s position. The relevant revised portions of the DEIR/EIS are expected to be sent out for review on July 10th with a 45 day comment period.

Also attached, is a preliminary overview map of the related San Diego Gas and Electric’s ECO Substation proposed Jacumba and the 14 miles of new transmission line connecting to the existing Boulevard Substation, which will be expanded from 1/4 acre to 3/4 acre. The substation is needed to connect La Rumarosa and other controversial wind proposals to the Southwest Powerlink. SDG&E has informed me they plan to submit applications to the CPUC in July. You can contact me at donna.tisdale@ HughesNet or 619-766-4170.

Regards,

Donna Tisdale

cc: interested parties
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Diego Gas & Electric Company (U 902 E) for a Certificate of Public Convenience and Necessity for the Sunrise Powerlink Transmission Project.

REVISED SCOPING MEMO AND RULING
OF THE ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE

In this ruling, we revise the Scoping Memo, issued November 1, 2006, by modifying the schedule for completion of the proceeding. In addition, we direct the California Independent System Operator to prepare additional model runs reflecting specific baseline assumptions, and resolve several pending motions.

IT IS RULED that:

1. As is required by the California Environmental Quality Act and the National Environmental Policy Act, portions of the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) will be re-circulated for further comment. Recirculation is required due to the receipt of new information on the La Rumorosa project since the release of the DEIR/EIS. This Commission’s Environmental Branch and the Bureau of Land Management intend to mail the relevant portions of the DEIR/EIS on July 10, 2008. There will be a 45-day comment period, and the Administrative Law Judge will issue a proposed decision in this proceeding in October 2008. Since the Commission is required to wait at least 30 days from the release of a proposed decision before acting upon it, we do not anticipate that it will be able to vote on a final order
prior to late November 2008. We expect, in any event, that the Commission will be able to issue a final decision before the end of the year.

2. The Motion of California Botanical Habitat for Party Status is denied since it did not identify any direct involvement it would have in developing the record. The staff will treat its submission as comment on the DEIR/EIS.

3. The Motion of the California Department of Parks and Recreation to Strike Portions of San Diego Gas & Electric Company’s (SDG&E) Phase 2 Opening Brief is denied. We will disregard any new information or attempted additional expert opinion offered through briefs by SDG&E, the California Independent System Operator (ISO), or any other party.

4. The Motion of The Utility Consumers’ Action Network (UCAN) Requesting The Commission Take Official Notice Of A June 10 Regulatory Filing By SDG&E At The California Energy Commission is denied. This Commission does not take official notice of parties’ pleadings.

5. The Motion of Bill Powers to Strike Portions of SDG&E’s Reply Brief is denied. As stated above, we will disregard any new factual information offered in briefs.

6. Both SDG&E and the ISO filed comprehensive assessments of the economic benefits of the Sunrise project. The ISO’s overall methodology was superior, and there were fewer problems with their showing. However, the current record does not adequately quantify the technical feasibility or the economic benefits of various alternatives using reasonable modeling assumptions. In order to complete the record on technical feasibility and economic benefits associated with different alternatives, the ISO shall supplement its analysis with a compliance filing. The assumptions we order the ISO to use are presented in the appendix to this ruling. If a particular modeling
assumption is not specified in the appendix, the ISO should use the ISO’s preferred modeling assumptions from Phase 2 of this proceeding. The ISO evaluation should analyze: (1) powerflow, transient stability, and other impacts on the operation of the grid caused by each alternative; (2) production costs for each alternative; (3) reliability costs for each alternative; and (4) renewable energy costs for each alternative. Where the ISO determines in its best professional opinion that specific alternatives are equivalent, it does not need to perform separate model runs (for example, if two alternatives have different routes but the ISO believes that the two alternatives would have similar production costs, then the ISO can decide not to perform GridView modeling of each alternative). To undertake its analysis, the ISO should use the modeling framework and “packaging” approach that it used in Phase 2 of this proceeding. The ISO should provide “packaged” results in a form similar to that provided by the ISO in its testimony. The ISO shall also make available all workpapers supporting its analysis to all parties that have executed confidential agreements.

7. In addition to the “packaged” results, the ISO shall calculate greenhouse gas emissions impacts for each alternative. Both the Division of Ratepayer Advocates (DRA) and SDG&E identified problems with the emission factors used in ISO’s analysis of greenhouse gas emissions that was used in the DEIR/EIS. The ISO shall incorporate in its analysis the corrections set forth by DRA and SDG&E.

8. In order to ensure that the modeling assumptions and protocols are clear, the ISO and interested parties shall hold a telephonic meeting moderated by the Administrative Law Judge within 5 working days, at a time to be determined by the ISO and the Administrative Law Judge. This will give the ISO and other interested parties adequate time to review the assumptions ordered in this
Ruling and to identify any ambiguities or unspecified assumptions in the Ruling. This will also ensure that the ISO’s analysis is consistent with the intent of this Ruling.

9. The ISO shall provide results from its modeling efforts within 20 working days after the telephonic meeting. The ISO should provide “packaged” results in a form similar to that provided by the ISO in its testimony. The ISO shall also make available all workpapers supporting its analysis to all parties that have executed confidential agreements.

10. Within 10 working days of the date when the ISO serves the results of its analysis as Exhibit Compliance-1, parties may file opening comments on the analysis, with reply comments due 5 working days thereafter. The exhibit is admitted into evidence, subject to objections from parties through the comment process.

11. SDG&E’s updated Phase 2 witness identification exhibit, as distributed on May 28, 2008, is identified as Exhibit SD-145 and admitted into evidence.

Dated June 20, 2008, at San Francisco, California.

/s/ DIAN M. GRUENEICH /s/ STEVEN WEISSMAN
Dian M. Grueneich
Assigned Commissioner

Steven Weissman
Administrative Law Judge
INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document’s acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today’s date.

Dated June 20, 2008, at San Francisco, California.

/s/ KE HUANG
Ke Huang
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ENVIRONMENTAL ASSESSMENT PUBLIC SCOPING MEETING

WEDNESDAY, AUGUST 26, 2008
JACUMBA, CALIFORNIA

REPORTED BY REGINA L. GARRISON, CSR NO. 12921

Peterson Reporting, Video & Litigation Services
REPORTER'S TRANSCRIPT OF SCOPING MEETING,
commencing at the hour of 1:13 p.m., on Tuesday,
August 26, 2008, at 44681 Old Highway 80, Jacumba,
California, before Regina L. Garrison, Certified
Shorthand Reporter in and for the State of California.

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MS. RUSSELL: I'm going to go ahead and start. My name is Ellen Russell. I'm with the United States Department of Energy, Office of Electricity Delivery and Energy Reliability. And the reason DOE is here in cool Jacumba -- this is a lot like Washington, D.C. in August -- is that Sempra Generation is proposing to construct an international transmission line that, as of today, is going to be known to us as "Energia Sierra Juarez," formerly referred to by us as the "Baja Wind Project."

The entire project, as described in the presidential permit application that Sempra Generation filed with us in December and supplemented in March of -- today, is comprised of about 1250 megawatts of wind generation from -- it's constructed inside Mexico and either a 230,000-volt or 500,000-volt transmission line on about four towers inside the United States. It's about one mile, and the transmission line is to end at the San Diego Gas & Electric's proposed East County Substation.

Before any facility can be built across the border, Sempra Generation, or any entity proposing to build across the border, must obtain a presidential permit from the Department of Energy. A presidential permit authorizes a company to construct, operate,
maintain and connect facilities at the international boundary.

Before the federal government, any part of the federal government, can issue a license or permit for any kind of activity, it is required to comply with the National Environmental Policy Act. You guys have all participated in other proceedings. You know NEPA, so I don't need to go into that so much. But this is a scoping meeting for an environmental assessment that DOE is proposing to prepare for the -- it's hard not to call it the "Baja Wind Project" -- the ESJ Project.

Right now, DOE is considering an EA to be the appropriate level of environmental review. An EA briefly provides sufficient evidence and analysis for determining whether to prepare an EIS, and it aids in agencies' compliance with NEPA when no EIS is necessary. And it facilitates the completion of an EIS if we need to go through that.

What this meeting is not: This meeting is not about the Sunrise Project. And right now, there's no action on the Energia Sierra Juarez Project before the California Public Utility Commission. This meeting is about a project that will connect East County Substation, if it's built, and DOE will look at that substation as a cumulative impact and not a connected action, and that is our position at the present time. That substation is intended to be built whether or not
the Baja Wind/Energia Sierra Project is constructed.

Now, before I begin calling on speakers, I'm going to do some housekeeping. I'm going to introduce you to some people I have with me. I have Brian Mills with me. Brian Mills is from my office. He is our office's NEPA compliance officer, and he's also a project manager, like myself, on these transmission projects.

I also have Elliot Nethercutt, who is in the back of the room, who everyone signed in with. And with the company, with the applicant, is Alberto Abreu and Joan Heredia. And if you've signed in with Elliot Nethercutt and you've done it legibly, you're going to be receiving future information on this project and a copy of whatever document that we produce.

What happens after we leave here: The public record for this proceeding officially is open until the 3rd of September. However, that's not -- in NEPA, that's not a hard and fast date. If you decide that there's something that you want to let us know about in the next month or two, send it in to me. My contact information is on the federal register notice that you've seen, or there are extra copies in the back.

NEPA -- we'll be considering those comments as time permits. If you send us a comment a week before we're going to be sending the document to the printers, then it's less likely to be considered in
this go-around, but September 3rd isn't a hard and fast date.

The court reporter is here to facilitate an accurate record, make sure that we capture everything you want us to know about the concerns you have for this project. If you choose not to speak and leave and then decide that there is something that you want us to know about, as I said, drop me an e-mail. That's -- and it will make it into the record.

If you have specific questions about the project itself, that's something that -- that I would like you to talk to Alberto Abreu and Joan Heredia about off the record. If we -- if we have a break, whatever, it's most appropriate that you talk specifically about the project with the applicant.

I'd like Alberto to give you a brief overview -- brief overview of the project before we start calling on anyone who would like to speak.
under -- at least in Mexico, three-hundred -- about 314,000 acres of land specifically identified in the leases for development of wind generation. Those leaseholds are in Northern Baja California, just across the border here, basically, along the Sierra Juarez -- Sierra Juarez Mountains, and hence the name change that we made, which runs north to south from -- based up on the border, 2- or 300 miles south, running through the town of La Rumorosa. If you've ever been there, La Rumorosa is about 35 miles east of Tecate.

Sempra will construct the wind energy project in phases, the first phase being the closest to the U.S./Mexico border and the one that's depicted in the visuals up there. The subsequent phases on our currently leased property will be approximately 50 miles further south from the lowest point at La Rumorosa, so they're fairly far down in Mexico.

We expect the first phase to be something like 150 or so megawatts. There's two variables to determine the size of a project: One is the number of turbines and the size of the turbines. And we're still trying to pin both of those sort of aspects down so we can know exactly how many megawatts we'll be able to construct.

As Ellen mentioned, the presidential permit application was submitted on December 18th of 2007. We requested -- Baja Wind requested a permit for
construction of the generation tie line from Mexico to
the United States to allow connecting of the wind
projects in Mexico to the U.S. electrical grid to the
Southwest Powerlink. The application states that we
would interconnect 1250 megawatts of wind generation on
the U.S. grid.

On March the 19th of this year, in 2008, we
amended the application to make current changes to the
application, including providing additional information
on the size of the 230-kilovolt-option transmission
line that would interconnect. Our initial application
talked about both the 500 and 230. The amended scope
talks about the 500 and 230, but the amendment provided
additional information on the 230-interconnection

option, because we were able to get more details by
that point in time.

Today, we provided a second amendment to
change the name of the project -- and that's all that
amendment does -- from "Baja Wind U.S. Transmission,
LLC," to "Energia Sierra Juarez U.S. Transmission,
LLC," or probably more easily pronounced "ESJ," I
guess.

The central scope of the presidential permit
application is the construction in the United States of
a one-mile generation tie line, which will connect the
wind project to a substation to be built by SDG&E in
the area. The substation will interconnect to the
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Southwest Powerlink.

Our generation tie line will consist of
approximately four or five lattice towers over a
permanent right-of-way of approximately 130-feet wide
if it's a 230 or 214-feet wide if it's a 500kV.
Excluding any roads that may be needed, we estimate
that the permanent impact on the U.S. side of the
transmission line is approximately .25 to .3 acres for
the transmission line itself. Again, not counting any
roads.

As you've seen, we've set up a display.
We're happy to answer any questions that you may have

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outside of the -- of the sort of gavel portion of the
proceedings, and there's Joan and I and a few others
here that can answer any questions that you might have.
Thank you.

PUBLIC COMMENTS

MS. RUSSELL: Was there anyone that
registered to speak, Elliot?

MR. NETHERCUTT: Yes.

MS. RUSSELL: Oh, I'm sorry. I didn't know
you had a secret handoff.

Edie Harmon.

MS. HARMON: Can I wait?

MS. RUSSELL: Not a problem. I'll put you at

Donna Tisdale. If you don't mind doing it here, Ms. Tisdale, for the reporter.

MS. TISDALE: Donna Tisdale. I'm chair of the Boulevard Planning Group in Boulevard. And the change of the names from what's on the original application or how it's referred to elsewhere is -- creates confusion. And people that will be looking for it under the previous name will find -- will find nothing, and so they'll think the project has gone by the wayside when, in fact, it's moving forward under another name.

On behalf of the Boulevard Planning Group, I'm asking for a full environmental impact statement, EIR, for this presidential permit application. I'm not going to go into all the significant platforms of environmental impacts the 1250-megawatt industrial wind farm represents or the fact that they're going to need more than the 7500 acres they are claiming. It's more like 20- to 50,000 acres.

There's no guarantee that wind energy is all that's going to be moved on this 500kV line. There are no binding assurances the project was adequately studied on the Baja side. I believe it has not been or that its negative impacts will be mitigated.

Sempra's Gasoducto Bajanorte, their 30-inch LNG line runs through the La Rumorosa lease area. A
new 30-inch or so waterline -- and I see Alberto
smirking back there -- a new 30-inch or so water
pipeline is currently being installed to the area.
When you have gas, water and transmission, it's a
reasonably foreseeable consequence that gas-fired power
plants could be built at La Rumorosa/Jacume to access
the U.S. grid via this new transmission line.

Sempra reps have said that their contracts
and agreements with the ejidos do not allow for
gas-fired power plants to be built. However, with the
proper incentives and enticements and coercements,
those documents can and most likely would be changed,
and I assume that's probably already in the works.
Both NEPA and CEQA require a full EIS to
discuss these foreseeable consequences. Sempra's
La Rumorosa wind project and the cross-border power
line are also a threat connected to actions and many
more projects, and they cannot be isolated or
piecemealed. Jacumba's impacts are huge and
far-reaching.

And those projects include: SDG&E's 500kV
Sunrise Powerlink, which Cal ISO has stated is needed
to move new energy from La R rumorosa or another line
just like it -- and there is no other line -- Iberdrola
renewables; 200-megawatt Tule wind project in McCain
Valley; SDG&E has proposed an 80-acre ECO Substation in
Jacumba to tap into the existing Southwest Powerlink; a
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demolition and increasing of the Boulevard Substation
from one acre to three-quarters acres; 14 to 25 miles
of new 69kV lines; and new and expanded easements
across public and private property that are needed to
connect Tule Wind, the expanded Boulevard Substation
and La Rumorosa Wind, whether that's gas or wind

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energy, to the existing Southwest Powerlink.

More travel wind projects may also need to
tap into Southwest Powerlink at Jacumba. Bureau of
Land Management just caved in to pressure from
Iberdrola renewables and increased wind-energy-access
needs to San Diego County from a proposed 6900 acres to
over 30,000 acres, mostly in McCain Valley. All of
those increased impacts tie into the Boulevard ECO
Substation, and that is tied into La Rumorosa and the
tapping of the Southwest Powerlink.

The PUC recirculated their 7500-page
environmental review document for Sunrise Powerlink.
This is a recirculated document. The main reason they
recirculated it was on the expand of size and scope of
La Rumorosa from 250 megawatts to over 1200 megawatts.
Public comments closed on that last night. Public
comments on the BLM increased wind energy access closes
tomorrow.

I also want to note that Southern California
Edison's power purchase agreement for the first --
Phase I of this La Rumorosa Energia, whatever it is
now, was withdrawn from the PUC approval process after
the Center for Biological Diversity Challenge saying it
would most likely violate an international treaty and
state and federal environmental laws.

And I could go on, but other people want to
talk, and this is much bigger than they're saying it
is. And there's no reason we should let them move this
forward, because it's going to change the face of our
community and these beautiful areas that so many people
enjoy far into the future.

So we're serious. We want a full
environmental impact statement, and we're not going to
accept anything else. I mean, if you're going to do
it, you better do it right. Thank you.

MS. RUSSELL: Bill Parsons.

MR. PARSONS: I don't have much to say,
except to second -- you're asking me to stand up here,
so you can hear me?

MS. RUSSELL: For the reporter.

MR. PARSONS: Oh, okay.

I don't have any new information to give you,
just an opinion that this is a scoping meeting. And
right now, it looks like the study of the entire area
is needed, but a microscope is going to be used, and I
don't think that's appropriate.

I think you need to study the entire impacts
of what will happen if this transmission corridor is
approved, because you're not going to just inject the energy into the ground. It doesn't end at the Jacumba Substation. It goes everywhere. It's part of a much larger plan that's been presented by SDG&E in a stealthy way.

And it's one little phase at a time, and another little phase, and I think you ought to include everything that is relevant in your study and make it a full EIS.

MS. RUSSELL: Thank you.

MR. PARSONS: Uh-huh.

MS. RUSSELL: Just a second.

Anita Williams, please.

MS. WILLIAMS: Just to say -- Bill Parsons said --

MS. RUSSELL: Thank you very much.

MS. WILLIAMS: There are incredible archaeological sites. There is valuable and scarce ground-walkers. All these things need to be taken into account. And this project, which apparently is being presented as an isolated thing, isn't isolated. It's related to a whole bunch of other stuff and needs to be so considered.

MS. RUSSELL: Gary Hoyt.

MR. HOYT: Hello. Gary Hoyt from Boulevard. In the past few years, I've become very skeptical of SDG&E and Sempra Energy. I and other
people in this room have fought with projects, and
maybe we're going to be successful, and maybe we're
not. But I want to address this project, and if I do
sound skeptical to SDG&E, there's a reason for it.
What I'm going to relate to is the 14-mile line from
SWPL line to Boulevard and the proposed expansion of
the Boulevard Substation.

    We have dust problems and air pollution
problems here in East County. If we have another
14 miles of road that open up under a transmission
line, that's going to open up dust/air pollution,
off-road vehicle traffic, Border Patrol traffic,
smuggling of illegals and drugs from Mexico, plus other
activities affecting easements -- or residents along
the easement and other members of our community. Dust
flies for miles.

    And in the case we do have a fire -- heaven
forbid -- there will be concerns with more electrical
cables that we have to deal with for those people. And
also, we have overhead Border Patrol and helicopters,
and we've got more lines to be careful. So their
enforcement activities are going to be harder.

    To show more skepticism of SDG&E, the
69kv line that's existing here in Boulevard has a
30-foot-wide easement. Why does SDG&E need 100 feet

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for this easement? I think SDG&E has got something in
their back pocket for future -- well, one of which
being either a 230kV line or a 500kV line, underground
gas-transmission lines, or whatever else they want to
run on that extra footage they have for an easement.

And like I said, there's a 69kV line on a
30-foot easement now. Why is a 100-foot-wide easement
needed? I, too, by the way --

(Court reporter interruption.)

MR. HOYT: Oh, should I be speaking your way?

Now, let's take, for example, your project is
approved, and you're running the electricity from the
SWPL line up to the Boulevard Substation, which
supposedly is going to be tripled in size. Now there's
health hazards for people that live in that area.
There's houses close by. There's elderly people that
live close by, and there's also a buzz that we go to
sleep with and we wake up with at the existing level of
that substation. If it's tripled in size, what's that
going to do for health potential and for our peace of
mind?

Also, and lastly, maybe this is something
that you want to consider. I haven't seen this line,
and I have been told this by people --

(Court reporter interruption.)

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MR. HOYT: I haven't seen this on a map, but I've been told this by people supposedly in the know that the area that the existing Boulevard Substation is located is on or near the San Andreas Fault. Now, if we're going to fill all that area with a larger substation and more overhead electrical lines, what could happen here in Boulevard to the residents and to SDG&E's equipment if we have a major earthquake? So I also request an EIS and would be most -- would be quite interested in it. Thank you.

MS. RUSSELL: Thank you.

Mr. Lutz. I assume you're Mr. Lutz. Thank you.

MR. LUTZ: Hello. My name is Ray Lutz, and I'm with citizensoversight.org. I'm also a candidate for the 77th Assembly District, which is all of this backcountry, all the East County, pretty much. You're welcome to pick up my written comments. I'm -- first of all, I'd like to say I object to the notion that this meeting cannot discuss the Sunrise Powerlink, because that document actually referenced this project as the reason for the recirculation. So I would request that you go back and take a look at that -- these things, and don't come in here and say we can't discuss something that's already been found to be related.

That's been found to be related, and it had been found to be related.
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to be recirculated. So this -- this meeting, therefore, is open to those discussions. So anybody who wants to discuss Sunrise Powerlink, it's open. So that notion -- let's just put it to bed, that it's not -- you can't constrain a meeting to be only about one thing when it's already been found to be in the document.

The document is irrational. It doesn't support itself. They talk about 7500 acres where they're planning to put in 500 wind turbines. 500 wind turbines, they say, are two megawatts in size. That would make -- and some of them three megawatts, making this 1250 megawatts, which would be the largest wind farm on earth. No wind farm has ever been made this big so far.

The big one out in the London Array outside the gulf of -- of the Thames is a gigawatt. Okay. So it's similar in size, but it's huge. So this is not something that you can just say, "We're going to have this 1250 megawatts, and we're not sure where we're going to put them on -- on the mountains." You have to tell us where they're going to go.

Now they said they've changed it. They've changed it -- not only the name, but now they're shuffling the deck with different amounts of acres and a different place. They moved it to a new mountain.

If you take what they say in the document,
they state that for a 300-foot diameter -- rotor
diameter, that they need to space these wind turbines
about eight to ten rotor diameters apart. You notice
the one up on the hill at Campo, the reservation,
there's only one line of 20 or so wind turbines.
There's nothing behind them. If you put a wind turbine
right behind them, they don't do anything. They sit
there, still.

In the document by SDG&E, they state that
the -- that they expect eight to ten rotor diameters
apart. And other documents say that the normal
distance -- width is five rotor diameters. So you're
talking about around 100 acres per wind turbine.

Other projects support this. Biglow Canyon
Wind Farm in Sherman County, Oregon, is designed for
450 megawatts. It has 225 turbines, and it uses
25,000 acres. Okay. That's 111 acres each.

Desert Sky Wind Farm has 160 megawatts and is
fairly small compared to this one. 107 turbines on
9600 acres, 90 acres each.

Fowler Ridge Wind Farm, very similar terrain
to this one, lots of uneven terrain with hills, is 750
megawatts. A pretty big one. They use smaller --
smaller wind turbines, one-and-a-half megawatts, but
they still use 38,400 acres and 173 acres apiece.
That's because you can't max -- even though their spec
says 58 to 74 acres apiece, because of the spacing,
they still take 173 acres.

Horse Hollow Wind Energy Center in Nolan County, Texas, will be the largest wind farm in the world when it's completed: 736 megawatts using 421 1.5-megawatt and 2.3-megawatt turbines, uses 47,000 acres or 111 acres each.

So here's various examples of actual wind farms that have been put in wherein no case do they fit them on under 90 to 100 acres apiece for these big wind turbines. Meanwhile, SDG&E says -- oh, the London Array, I mentioned. They use 169 acres apiece. They're bigger wind turbines.

Well, it used to be called the "La Rumorosa Wind Energy Project." I guess they changed the name two times now. It became "Baja Wind," and now it's this other name that no one can pronounce.

They said 7500 acres, which means that you could put 75 turbines on it, not 500. So the difference between reality and what they're saying is like night and day. These people are either totally inept and don't know what they're doing, and they're coming to the table with figures that mean nothing, and they think that the public is going to accept this.

We're not. We're not going to accept numbers that are worthless. And we're not going to accept shuffling a deck, coming back and forth with different names, different figures and so forth. This group is
out of line.

So not only would it be the largest wind farm on earth, they would be able to space the turbines unlike no other wind farm: Six to ten times more densely, which means if they did this, they would just be totally wasting your money. The question is: Why would this wind farm be different from all other wind farms in the world?

And the reason for this -- this transmission line, which is on the table for discussion, is because they claim that they're going to have this 1250 megawatts. I say, "No. Prove it. Show me where the 1250 comes in. Let's see where the sliding of those wind turbines is going to be," because as it stands, they don't have any foundation.

Then on -- when we get done with this bogus rationale, we come to find out that the natural gas pipeline goes through the area, the same natural gas pipeline that is being used for the Mexicali Power Plants, which is the underlying real reason for the Sunrise Powerlink.

I think this is not -- this doesn't even deserve any further review. This project should just be canned. If anybody comes to the table with a project this bad with this many defects in it upfront, I would say, "Just forget it. We're not going to consider it." I guess we have to.
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SDG&E has their ability and unlimited amount of money. They can start as many projects as they want, make all the residents and the citizens have to scramble with different dates, which are really discouraging for you guys to set all these different dates, scramble the projects, do the thing like you did here today where you say, "These things are not connected," when they obviously are. It makes it difficult to deal with this.

I'd say, yeah, we need a full environmental impact statement. But more than that, we need a good rationale for why they should be put on, because the one that's on the table is bogus.

Thank you very much.

MS. RUSSELL: Edie Harmon.

MS. HARMON: And I would agree.

I'm -- I'm not from rural San Diego County. I live in Imperial County. And about a month ago, Donna Tisdale and I were the only members of the public that were present at a pre-application meeting for the Solar Tube Project in Imperial County where they were proposing -- the company, Sterling Energy, was proposing to put in up to 30,000 big solar dishes on -- to generate solar electricity in an area south of Plaster City -- between Plaster City and the interstate, right next to an off-road-vehicle open area and just due east of an area where there's so much
blowing sand that they periodically had to close the
interstate.

It really didn't make a whole lot of sense.
And one of the questions that we asked was whether
the -- that the energy produced would be grid-ready
electricity at the end. I asked, "If it's grid-ready
power, why wouldn't you want to be putting this kind of
installation in the parking lots for the hospitals and
schools, the big shopping centers, everywhere that
there's a large use of electricity?"

And there was, like, dead silence. And the
answer was: "It wouldn't be profitable." It wasn't
about producing energy where it's going to be used; it
was about profit. And that project was intended to be
put into, again, the Sunrise Powerlink or one of these
other big power links.

So I think when you're -- you need to do a
full EIS, but you really need to consider all of the
projects that are being proposed rather than
piecemealing each one and looking at partial impacts,
because we're talking about a transmission line. And
basically, San Diego Gas & Electric is saying that the
existing facility has not got the capacity to deal with
the electricity from all of the projects that are being
proposed.

And therefore, I think you need to look --
willing to look at more than just an isolated portion
of the project.

MS. RUSSELL: Dennis Berglund,

B-e-r-g-l-u-n-d.

MR. BERGLUND: I'm Dennis Berglund. I'm a
registered electrical engineer, and I'm a resident of
an area slightly west of here. And I wasn't going to
talk originally, but then I thought there's
something -- a lot of information that needs to be
imparted to the agency, such as yourselves, that live
in those hot, sweltering places in Washington, D.C.

First of all, you probably realize there's

been a significant history of deception, and this
deception has resulted in SDG&E putting these plans
together: First, the Rainbow Project and then the
Sunrise Powerlink Project. And now we're, of course,
dealing with power from Mexico and La R rumorosa.

It appears to me that the 1250 megawatts,
which has been in question, the project which was
proposed by SDG&E, was only proposed subsequent to all
the problems they're having with filling this line.
Because the first thing they said about the Sunrise
Powerlink was, "Well, we needed to run eco-friendly
power."

And we said, "Then why are you running it all
the way to L.A.? Don't you want to run your power that
you've already sold in Mexico to Los Angeles?"

"Oh, no, no. We don't need to do that.
That's already run. We need to get the eco power out of the desert."

We said, "There is no eco power in the desert, except for the geothermal plans, and they're better attached to SDE."

They said, "Well, we have other projects in mind. We have the Sterling Energy Project," which they want to put out in the desert. Well, the Sterling Energy Project relies on a technology that's never been used in production anywhere in the world. Kind of interesting.

So, all of a sudden, comes along the 1250-megawatt plant or power over in Mexico. It's also known to me that it's in the same location as both the water and the gas line that they ran from their other plant in Ensenada, goes right through there, although they said, "Well, we don't want to put anymore gas lines."

In that regard, I think the board needs to ask the question: Why do you have to go to Mexico at all for power for America? So I don't know if you are particularly aware of the vulnerability of an overhead power line, but this is a very disruptive border, which looks like it will be disruptive for many, many years to come.

We've got problems with gangs and such, and if this erupts into anything more formal or more
organized, all you have to do to take out this entire power link is blow out one leg of one tower. That's it. That tower takes itself down, all the other towers fall, the line is down. It's not germane in this case, but when you do that across the freeway, like Highway 8, you not only take out the power line, you take out the freeway.

So why don't they run it underground? Well, that costs too much money. Now let me tell you something else. All you have to do is have one of these gas cannons that shoots a battling ball and a piece of galvanized wire -- all you have to do is shoot it about 75 feet in the air, and you also take out a power line.

Now, no one would do that in America. Of course, no one would fly airplanes into skyscrapers either. But it's so simple that we could build a cannon -- these guys can build these little -- a carbine cannon or the equivalent. You can essentially use that technology to take down a whole power line. It's never been done yet, not in these days.

But my big question about Mexico is: Why do we do it at all? We claim that we have all this power. We have this huge desert, and there's very successful geothermal and solar plants out there, but we don't need to do that. We need to do La Rumorosa.

Now, when you combine that and use
conventional wisdom, like in Newsweek, and you look at where this power is and where they want to put the power line and where they sold the power in the past, it's very apparent. And any logistian will say, "This is pretty obvious. You've got power down here you want to develop. You have a power line you want to run like this, and you have a market up here."

In fact, when I talked last year to a group down in San Diego, we talked about the emergency -- the necessity for power in San Diego County, when your own map showed that there's no critical requirement for energy in the future in San Diego County. It's all Los Angeles.

Now let me continue on here just shortly. You've all seen T. Boone Pickens, and you know he's an honest, forthright American who only wants to do things right for America. And so he's running these ads, and he wants to put wind power all up through Northern Texas and Oklahoma. Well, that's a good idea.

And then I talked to the people in Texas, and they said, "Do you really know about T. Boone Pickens?" He has an overt desire -- or request, and he has an implicit covert desire. And it just so happens that he's been trying for years to run a water pipeline down from that area down to Houston, because he says, "You know, they don't need the water now, but they're going to need it one of these days." He needs and wants the
world or the states to give him a right-of-way, which
will work for his power -- I mean, for his waterline.

The reason I mention that is that SDG&E has a

history of similar activities, and they need to be
looked at with that in mind, because they have things
like we've talked about. They only want to put in a
69kV line, but they ask for an easement for a much
larger line, and that's the reason these things need to
be looked at.

But I would hope that someone would look at
the desire of America to have to rely on questionable
power from across an international border. Now, we're
going to be great friends with Mexico, I hope, because
1250 megawatts, if it's tied to the grid and then taken
off the grid, would cause horrendous disruption to a
normal and area power. Thank you.

MS. RUSSELL: You couldn't write better than
this, Elliot?

Mark --

MR. OSTRANDER: Ostrander.

MS. RUSSELL: -- Ostrander.

MR. OSTRANDER: I want to come out and talk
about the different projects. We're told we can't talk
about Sunrise, and I want to reiterate what Lutz said
when you hear that Sunrise -- recirculation of their
draft because they had to talk about the wind farm.

My other question is about that, too. Is
station that they want to put in, what happens if it
doesn't go in? What happens then? We got this power
line sitting there. What's the question? Why is that
going in before the subplant? Is that going to be that
the power plant is going to go in because the line is
there already, and that makes it more a necessity for
it to go there?

The studies that they have on -- currently,
as to environmental dates on there -- and I was reading
on some of the archaeological reports -- they missed
the archaeological district. They didn't even talk
about it. Even in their own information they've
brought up to put into their environmental impact
statement, they didn't even address it. They didn't
even take their own work and put it in there. They
missed it.

So who's going to do these environmental
assessments? Who's going to do the assessments? All
these things should come into play, not just this one
place across the border. They're all a part of that.
There's -- I think you narrowed it down to three
different ways they're going to go over the line. It's
coming through this way, the most logical choice.

They're going to put the substation down
there. They're going to put the line out there. Why
aren't they buried? What assurances do we have about
fire protection? Let's look at legal litigation that's
happening right now about some of the wildfires we had
last year. What about previous years? We bring them
up above ground, we're still going to have those
issues.

How are you going to clear underneath the
power lines if they can't even clear under the existing
ones they have now?

UNIDENTIFIED SPEAKER: Thank you.

MR. OSTRANDER: What are they going to do?

So I'm for that you need to do a full environmental
statement on it. You can't just say it, and that's it.

MS. RUSSELL: Thank you.

LeAnn Carmichael.

MS. CARMICHAEL: I just wanted to say to the
County of San Diego that a full environmental impact
statement be completed so that the whole of the action
and not just the piecemeal -- not just the piecemeal
part that is being proposed in the EA.

There's several Class I and Class II impacts
that are discussed in the power link document
associated with Baja Wind, and those need to be
addressed in a full EIS. And direct impacts to the
United States from the project also need to be
reviewed. And finally, a need for the project needs to be demonstrated.

And we'll be submitting our comments Friday.

MS. RUSSELL: Thank you.

Is there another speaker who would like to speak now? Or we'll adjourn the record for half an hour or so.

Yes, ma'am.

MS. TISDALE: One issue I forgot to address -- Donna Tisdale again -- I forgot to address the fact that part of my research and the research of a lot of organizations that have started studying industrial wind energy and the realities of it, what they've come up with is that the industrial wind, on average, meets -- they only produce between 10 and 30 percent of template value.

So if you have a 200-megawatt facility, you've got about maybe, you know, 20 megawatts of wind. And all that needs backup generation, and the typical backup generation of that is natural gas. And that's the connection I forgot to put between the proposed wind project in La Rumorosa and the convenient access to gas -- potential gas part of the border.

Thank you.

MS. RUSSELL: We're going to adjourn the
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record for a half an hour. You guys can think of
anything else that we -- I'm sorry -- during that time,
if you have specific questions about the project, the
representatives from Sempra can answer your questions.

Thank you.

(Recess.)

MS. RUSSELL: Ms. Conklin?

MS. CONKLIN: Yes. Okay. Hi. Oh, good. I
get the podium. Are we on the record? Good.

My name is Diane Conklin. I come from
Ramona, and I am an intervener with the -- on behalf of
my neighborhood, the Mussey Grade Road lines in Ramona,
and I'm an intervener in the California Public Utility
Commission proceedings on Sunrise Powerlink. And as
you all know -- and we have some Sempra people here,
still? Yes.

As you all know, the project that is being
discussed today is directly related to the recirculated
draft environmental impact report. This document
comments upon -- which were due yesterday at the
CPUC -- all of this is about La Rumorosa or a majority
of it.

So I appreciate the opportunity to come all
the way to Jacumba -- it's a long haul from Ramona --
and I appreciate the opportunity to speak, and I

appreciate the opportunity to ask some questions. And
every time I come down here, they take a break, and

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then I don't get to ask any questions. So now we've reassembled, and I understand anyone can ask questions. So I don't really want to stand at the podium and ask questions that way, but they put me here, so let me try it this way. I think that -- have the Sempra people here identified themselves on the record?

MS. RUSSELL: Yes, they have.

MS. CONKLIN: Oh, okay. And who are they? I don't know who they are.

MS. RUSSELL: In the blue shirt is Alberto Abreu.

MS. CONKLIN: There's two blue shirts.

MS. RUSSELL: I'm Sorry. I meant --

MS. CONKLIN: There's three blue shirts.

There's four blue shirts.

MS. RUSSELL: The man who raised his hand.

MS. CONKLIN: Okay. Alberto, Diane, nice to meet you.

MR. ABREU: Nice to meet you.

MR. LARSON: Art Larson, communications.

MS. CONKLIN: Art Larson, communications, nice to meet you.

MR. ROWLEY: Joe Rowley, project development.

MS. CONKLIN: Joe Rowley, project development.

Okay. Fine. My quest--- pardon me. I'm so sorry.
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MS. HEREDIA: I'm Joan Heredia. I'm the permitting manager for Sempra.

MS. CONKLIN: Marketing?

MS. HEREDIA: Permitting.


And --

MS. TURNER: Brandi Turner, community partnership.

MS. CONKLIN: Brandi. Oh, hi.

MS. BRIGGS: Lisa Briggs, government affairs, Sempra.

MS. CONKLIN: Thank you so much for identifying yourselves. And I'm sure I will not remember everyone's names, but I'll remember Joanne because she's permitting. And you should all sit together with the guys.

All right. My -- I have five questions here, and then if anyone else wants to chime in with questions, please do. But I wanted to know -- and I apologize because I got here late. It's a long trip --

is this project -- and whoever wants to take it, please take it -- is this project for wind alone, and how do we know that?

MR. MILLS: Excuse me. They're not speaking.

You are.

MS. CONKLIN: No, I'm asking Sempra.
MS. RUSSELL: For purposes of this document --

MS. CONKLIN: No. I'm asking Sempra to be on the record with regard to my question.

MS. RUSSELL: And at the presidential permit application, the application for our office --

MS. CONKLIN: Yes.

MS. RUSSELL: -- indicates that the project is a wind project.

MS. CONKLIN: Okay. What I would like to do is have Sempra tell me that themselves. Can they do that?

MS. RUSSELL: They can do that once we close the record. Yes, ma'am.

MS. CONKLIN: Well, are they allowed to do it on the record?

UNIDENTIFIED SPEAKER: They should be on the record.

MS. CONKLIN: Is there anything prohibiting them from speaking on the record?

MS. RUSSELL: When Mr. Abreu made his opening comments, he did indicate that it was a wind project.

MS. CONKLIN: Right. But I'm asking a question, and we were told we could ask questions, so I'm asking a question to be on the record. Sempra Generation is here. I'm sure they can answer the question.
Are you precluded from answering the question by any rule or regulation?

MR. MILLS: Ah, go ahead.

MS. RUSSELL: If you choose to answer the question, you may. But I am not --

MS. CONKLIN: Are you acting as their counsel?

MS. RUSSELL: No. I am acting as the chairperson of this meeting.

MS. CONKLIN: Okay. Then you do not represent Sempra.

MS. RUSSELL: I do not represent Sempra. And I had mentioned at the very beginning of this meeting the questions of the applicant should be asked off the record --

MS. CONKLIN: Right. And that's a very strange --

MS. RUSSELL: -- because they do not contribute to the scoping.

MS. CONKLIN: That's a very strange request in my mind, because this is a public meeting for a public purpose in terms of the information to be passed back and forth with a record. And I so appreciate you allowing me to do this. I am not trying to cause any problems. I simply want to ask Sempra Generation some questions on the record.

So the question is: Is this for Wind
Generation, La Rumorosa Project, despite its name change, and what -- how can we know that for sure?

UNIDENTIFIED SPEAKER: Well, we got our answer.

UNIDENTIFIED SPEAKER: You can put your questions in writing.

(Court reporter interruption.)

MS. CONKLIN: Well, I don't want to put my questions in writing, and I would like to have the person who suggested I put my questions in writing identify himself for the record, who has just walked over and spoken to you without identifying himself for the record in terms of what he was saying and what was the purpose of what he said to you.

So I think your name is --

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MR. ABREU: My name is Alberto Abreu, and what I asked him -- what I had mentioned to him was we'd be happy to answer any questions if you were to put them in writing.

MS. CONKLIN: I appreciate that, and I understand that you may want to have time to think about the answers. But I would also think that if I were to come up to you individually during the break and ask you the same question, you would have been willing to answer me. What is different now that I'm asking you publicly?

UNIDENTIFIED SPEAKER: Simple question. Is
it wind only or not?

MR. ABREU: The difference is that this is DOE's hearing to receive comments from the public about what environmental -- what the environmental document that we're going to prepare should include. It's not really a question-and-answer session for that.

We proposed to DOE that, outside of this scoping hearing, we provide responses and that sort of thing and provide some pictures and visual simulations and whatnot, and that's what we've done.

MS. CONKLIN: I understand that, and I appreciate it, and I realize that this is for comments on the presidential permit. But my questions, I think, are very germane to the presidential permit, and that is why I would like to ask them and have them answered.

Now, also in your material that you're showing here, you're not talking simply about environment. You're talking about the project as a whole. So if you can't answer "It's about wind," if that's an uncomfortable question for you -- and I will submit a question in writing -- can we go to the next question: Who is the customer for the energy generated by La Rumorosa?

UNIDENTIFIED SPEAKER: Once again, put it in writing.

UNIDENTIFIED SPEAKER: You're putting together -- you keep sending signals --
MR. MILLS: It's -- it's a hearing.

(Court reporter interruption.)

MS. RUSSELL: Excuse me. The reporter can't capture everyone's comments, but I will add that, in the scoping notice that we did publish, it says -- and I quote -- "The entire electrical output of the La Rumorosa Project, 1250 megawatts, approximately 260 to 300 turbines, would be dedicated to the U.S. market and delivered using the proposed international transmission line."

MS. CONKLIN: Okay. Thank you for that.

And if you want the DOE to keep answering questions, I guess maybe that's the best we can do. But I think it does show that you have a reluctance to answer the questions, which I think is kind of silly.

MS. RUSSELL: Ms. Carmichael [sic], earlier in the meeting, there were several commentors who did ask us to consider the concept of fossil fuel generation inside Mexico.

MS. CONKLIN: Okay. Thank you so much for that. I appreciate that.

Where is my -- I'll just go through them then. If they don't get answered, at least they get into the record. Where is the backup energy for the wind? Do we have an answer about that with regard to the environmental statement?

MS. RUSSELL: No. We have not developed that
MS. CONKLIN: All right. So we're aware -- I was driving down 8 today, and they have these wind turbines on 8 -- well, by 8 -- with the -- I think it's the Campo Indian Reservation -- and hardly any of them were turning.

So somebody once told me that it's only about 30 percent efficiency, and I didn't believe it. But I know that wind doesn't blow all the time. So if you have a customer that wants a certain amount of electricity and you don't have the wind, how is that going to be made up?

Okay. Is this permit -- is this permit going to be conditioned for renewable energy only? I wish the DOE worked for me. That's what I wish. Is this permit going to be conditioned for renewable energy only? Does anybody know?

MS. RUSSELL: We won't be able to tell you that until we get closer to the end of the proceeding.

MS. CONKLIN: But you're talking about getting a permit for a line for a renewable project?

MS. RUSSELL: That is correct. That is correct.

MS. CONKLIN: But you don't know yet whether or not it will only be renewable?

MS. RUSSELL: I'm assuming that it is only renewable. We can only go from what's currently in the
record, and if they have to amend their application to include a fossil fuel facility, then we would consider it at that time.

MS. CONKLIN: Yeah, well, then what we're saying is that if you have a kind of connected action -- in other words, you get a permit, and then you do something else, which you knew you were going to do at the time that you got the permit. Under the CEQA law, that wouldn't be right.

I don't know what the federal law is for the federal presidential permit. I'm sure there's a mighty big rush on this permit because of the potential change in the administration, and I'm sure that there's a lot of pressure on people to get this done.

But what I'm trying to say is: If you have a wind energy project, which is renewable, can I ask Sempra Generation to tell me if this is a permit that is going to be conditioned, and would they be accepting a permit conditioned for renewables only?

MS. RUSSELL: They can't know the content of a permit that we issue.

MS. CONKLIN: Who does?

MS. RUSSELL: It will come at the end of the proceeding.

MS. CONKLIN: Okay. Who issues the permit?

MS. RUSSELL: The permit is issued by the Department of Energy.
MS. CONKLIN: Is it the secretary of the Department of Energy?

MS. RUSSELL: No, it is not. It is Anthony Como at the moment.

MS. CONKLIN: And that is what office?

MS. RUSSELL: He is the director, office of permitting and citing.

MS. CONKLIN: Thank you very much. I appreciate that information.

And the final question I had was about greenhouse gas emissions. We know that in California we have a desire, at least under AB 32, which was signed into law to reduce greenhouse gas emissions, and the question is: How does the -- how -- and, of course, these questions can be seen as comments -- how does the greenhouse gas emissions that might be produced by this wind project feed into or do they have any relationship to California standards when it is produced in a foreign country?

MS. RUSSELL: That's an interesting question. For the record, I do not know the answer to that.

MS. CONKLIN: Okay. Thank you very much.

I want to say that I did not come here to cause consternation. I came here really to find out these questions. I'm very sorry that Sempra is not willing to answer them publicly. I think it's kind of silly, because I think that you know what your project
is a Department of Energy public hearing for scoping comments on the environmental issues. So kind of a weighing of the two, you know, I can understand your position, but I also wish you had answered the questions.

And for myself, I would like to state that this project is large enough and the impacts are great enough in terms of the unknowns that we have talked about here, that I think a full environmental impact statement should be done.

MS. RUSSELL: Thank you.

MS. CONKLIN: Thank you.

MS. RUSSELL: Is there anyone else who would like to speak before we close the record for the day?

Mr. Lutz.

MR. LUTZ: Yes. I guess this brings up a good question. In the federal register, it says that interested parties could come here and, either by oral or written, should ask questions. That implies that we're going to get some answers. When do we get the answers to the questions?

MR. MILLS: If the question is an environmental issue, it will be addressed in the document, whether it's an EA or EIS.
that question is out of the scope of the meeting?

MR. MILLS: Well, it could be, but it may not
be. That's a --

MR. LUTZ: But If -- but there would be at
least some answer to the question, right? Either the
question -- your answer might be it's out of the scope
of -- that "We can't answer that question because we're
not allowed to" or "We don't know" or --

MR. MILLS: NEPA doesn't require that the
agency answer the scoping questions, but address good
questions as prescoped analysis. So you will find out
if your -- if your -- you know, if you have a real good
question about an environmental issue that you think --
and we look at it and, "Oh, we need to do that," then
it will be in the document. Not necessarily the
question, but the issue in question.

MR. LUTZ: So people being here, they're
unwilling to answer questions --

MR. MILLS: Well, they're not the ones who
are going to answer your questions.

MR. LUTZ: Who does?

MR. MILLS: It will be answered -- your
environmental questions, if they're addressed as an
issue, will be addressed in the document itself.
That's the DOE's responsibility to produce the
MR. LUTZ: Okay. So you're saying that the questions might be answered in the document?

MR. MILLS: If they're pertinent to the environmental issues being raised.

MR. LUTZ: Who decides which answers -- which questions get answered? Who's going to make that -- is it people who are paid by Sempra Energy and --

MR. MILLS: No. The Department of Energy gets to decide.

MR. LUTZ: The Department of Energy decides whose questions get answered?

MR. MILLS: In our document, yes, we do.

MR. LUTZ: So that's you guys?

MR. MILLS: Yeah.

MR. LUTZ: Okay. How do we go up a level? Like, if we want to get past this level of Department of Energy and go up a level, who's above you? Who's the next layer up so we can get the questions answered, because you guys say you're not going to answer the questions.

MR. MILLS: That's not what I said. We can't answer your questions today, because we haven't --

MR. LUTZ: I know, but what is the next level up if we want to go above you?
MS. RUSSELL: The assistant secretary for Electricity Delivery and Energy Reliability is Kevin Kolevar.

MR. LUTZ: Okay. I'll get that afterwards, so I can have --

MR. ROWLEY: I'd like to interject, if I could. My apologies.

MS. RUSSELL: You have to come to the --

MR. ROWLEY: Okay. Great.

I fully understand that --

THE COURT REPORTER: Your name, please.

MS. RUSSELL: You have to identify yourself for the record.

MR. ROWLEY: I'm sorry. Joe Rowley with Sempra Generation.

I fully understand that it is not the purpose of your hearing to have question and answers with Sempra Generation. And that's the only reason for our reluctance to answer questions, is we didn't want to disrupt the normal process of the hearing.

But there are very clear and direct answers to the questions that have been posed. I'd be glad to put those on the record if that is okay with the Department of Energy.

MS. RUSSELL: If you choose.

MR. ROWLEY: So your first question was: Is
this renewable energy only? Is it restricted to that?
Our application clearly describes that this is for
renewable energy only. We have no plan, no intent for
any other energy to be delivered over this power line
that's proposed to cross the border between Mexico and
the U.S.

MS. CONKLIN: Thank you.
Can you answer the last four?
MR. ROWLEY: And the next question was --
MS. CONKLIN: Who is the customer?
MR. ROWLEY: The customer for the power is
yet to be determined. We have an agreement with
Southern California Edison for the first phase only.
The ultimate status of that agreement is uncertain at
this time. We fully intend on selling the power from
this renewable energy project into the California
market, but we do not know which specific customer.

MS. CONKLIN: Thank you.
The third question was: Where is the backup
energy?

MR. ROWLEY: The stability of the grid is the
responsibility of the California Independent System
Operator. We're just one generator that injects power
into the grid, so we see a very small slice of the
overall picture in terms of grid reliability.
they are charged with responsibility for doing things like providing adequate backup power. So that would be a question to pose to them.

MS. CONKLIN: Very good.

So my question is: If you're going to generate 100 megawatts, let's say, and you sell 100 megawatts to someplace, if your -- this is a hypothetical -- these figures are hypothetical -- if you don't have the wind that day, what do you do in terms of your customer?

MR. ROWLEY: Our responsibility in our wind energy contract would be to deliver energy from the wind generators when there's generation. So when there's not, then our responsibility is to deliver -- well, it's to deliver whatever we can generate.

MS. CONKLIN: To deliver some other energy, and that's with --

MR. ROWLEY: No, no, no. There's no backup from our -- it would be just -- we deliver whatever energy our wind generators can generate, period. So when they're not generating, we're not delivering. And we're not --

MS. CONKLIN: On that contract?

MR. ROWLEY: And we're not delivering backup power.

MS. CONKLIN: On that contract?

MR. ROWLEY: At all.
And the point being -- all I'm trying to understand -- and I think you answered it -- is that if you have a contract with a delivery number and the wind is not being generated, you don't have to honor the contract in that instance?

MR. ROWLEY: We have to honor the contract where they're written in such a way that we're delivering energy --

MS. CONKLIN: From wind?

MR. ROWLEY: -- at -- not necessarily a certain amount at a given point in time --

MS. CONKLIN: I see.

MR. ROWLEY: -- but a certain amount overall.

MS. CONKLIN: Okay. So it can be averaged?

MR. ROWLEY: Yes.

MS. CONKLIN: And then my fourth question is: Is the present permit that you're going for, which Ellen kindly read a description of, going to be -- or are you asking for it to be conditioned for wind alone?

MR. ROWLEY: We proposed it for renewable energy only, and what we're describing is wind. If the Department of Energy takes that input and the other input that they receive and decides to condition the permit, that would be their decision. But we don't write the permit; they do.

We've told them what we want, to build the power line. The purpose of the power line, we made it
very clear about that and have been very clear with you
about the fact that it's renewable energy only. So it
will be up to the Department of Energy how they want to
write their permit.

MS. CONKLIN: And I want to ask a question of
the Department of Energy after we finish.

The final thing is the greenhouse gas
emissions and the RPS standards. Are you planning to
capitalize on the wind with regard to those?

MR. ROWLEY: If we sell into the California
market, which is our intent -- I mean, that's -- we
have no other plan other than to sell it in the
California marketplace -- in order to qualify for RPS,
the California Energy Commission has certain rules,
certain standards that we have to meet.

And I would invite you to look at their
website. It's fairly exhaustive, but they'll be
subjected to those standards, even though it's outside

of the state.

MS. CONKLIN: Well, I want to thank you,
truly -- Joe?

MR. ROWLEY: Joe.

MS. CONKLIN: Joe?

MR. ROWLEY: Yes.

MS. CONKLIN: Okay. That's my husband's
name. I want to thank you, Joe, for answering
questions. It shows that you're not afraid to answer
the questions on the record. I think it's very
important for people to see that.

And if I have any other questions, may I ask
you and the rest of the team here to --

MR. ROWLEY: Absolutely. And I really don't
want to disrupt your hearing. I've already done that,
and, really, that was our reluctance.

MS. CONKLIN: I could see that. And that's
why I --

MR. ROWLEY: I'd like to defer additional --

MS. CONKLIN: I understood.

MR. ROWLEY: -- time to outside the hearing
process, if that would be okay.

MS. CONKLIN: And the one question I would
have, following up on your answer, Joe, talking to the
DOE, is: Do you normally condition permits -- thank

you very much -- do you normally condition -- are --
right. Thank you.

(Applause.)

MS. CONKLIN: Are presidential permits
normally conditioned?

MS. RUSSELL: Yes, they are.

MS. CONKLIN: So, for example, if a wind
ergy project is stated as a wind energy project,
would you see it as a normal condition that the permit
be restricted to wind?

MS. RUSSELL: Normally, it would be. I can't
speak to what's going to happen in the end.

MS. CONKLIN: Fine. Is that -- is that --
I'm just trying to understand. Is that a question on
the part of what the applicant wants, or is that a
question on the part of what the DOE decides?

MS. RUSSELL: It is what the DOE decides.

MS. CONKLIN: So if the applicant wanted it
to be conditioned, but the DOE doesn't want it to be
conditioned, then it would be unconditioned?

MS. RUSSELL: I don't recall us issuing in --
in the last 20 years, an unconditioned permit.

MS. CONKLIN: And are they normally following
the applicant's application?

MS. RUSSELL: Yes.

MS. CONKLIN: Okay. Thank you very much. I
really appreciate it.

MR. HOYT: What about changes and amendments?

MS. RUSSELL: Could you identify yourself for
the record.

MR. HOYT: Gary Hoyt.

What about changes and amendments to what the
DOE permits? In other words, if SDG&E says, "We're
just going to use renewable power sources for this
permit," and two years later they come back to you and
they say, "well, you know, this just isn't going to
make it. We're going to have to put a gas power
generating plant on the U.S. side to make up for what
our wind power cannot produce."

MS. RUSSELL: The -- if we were to issue a permit that required the transmission line to be connected to a wind facility and a wind facility only, and another company wished to build -- we're not talking Sempra here. We're talking another company wanted to build a fossil fuel facility in Mexico and use that same transmission line to move fossil -- electric -- fired -- electricity into the United States, an amendment to that presidential permit would be required, yes, and a new NEPA analysis would be required.

MR. HOYT: Is that an involved process or relatively easy for --

MS. RUSSELL: Oh, it would be a very involved process.

MR. HOYT: If that power plant was built here in the United States, would it be more complex?

MS. RUSSELL: I can't answer that question because we would not have a role.

MR. HOYT: You would not have a role --

MS. RUSSELL: Our jurisdiction is across-the-border transmission.

MR. HOYT: Thank you.

MS. RUSSELL: Ms. Tisdale.

MS. TISDALE: Donna Tisdale.

I had a couple questions. I -- I remember
the cross-border power line presidential permit
application for Sempra Generation's power plant down in
Mexicali, and that was originally pushed through on
environmental assessment, not a full environmental
impact statement. So it seems kind of disingenuous to
say that.

But the question I have would be: Is this
involved in any way in the National -- NEI -- NIE --
the Transmission Corridor --

MS. CONKLIN: National Interest Electric
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MS. RUSSELL: I'm sorry. I'm not close enough to that to be able to answer your question.

MS. CONKLIN: The reason you're getting questions about that, especially from me, is that this county, San Diego County, is one of five Southern California counties and two western Arizona counties that make up the NIETC corridor. It's a quarter of -- so the process for the NIETC is important to us, because we live here.

MS. RUSSELL: Yeah, I'm not close enough to the -- that process.

MS. CONKLIN: Fine. That should be directed to other people in DOE. Thank you.

MS. TISDALE: Well, that brought me back into another thing, because this is the west-wide energy corridor proposed, right here. I guess that's why I -- what I wanted to know. And is this involved in that?

MS. RUSSELL: The project proposed by Sempra for a transmission line that connects to wind generated inside Mexico and a transmission line to the proposed ECO Substation is not part of the National Interest Transmission Corridors.

MS. TISDALE: Okay. I will clarify, because in the Sunrise Powerlink document and also the Bureau of Land Management, for their easement in San Diego, they conform to -- I think it's Section 368, as -- as giving it credence. And so that's why I'm asking. And
it hasn't even been approved yet. It's a draft.

MR. MILLS: This is on private land, the

MS. TISDALE: It's on federal land.

MR. MILLS: None of this is on private land.

MS. TISDALE: Right, but the existing

Southwest Powerlink easement is part of that, and you

are connected to it.

MS. RUSSELL: You know, I'm not close enough
to it to be able to respond. I'm sorry.

MS. TISDALE: I understand. You have a
completely different perspective than we do. We have
to be on a defensive perspective, and I understand your
job is completely different.

And when you live in a place and you know
what's going on and you see all these things going on
and separated and being dealt with one at a time and
then you put them all together, you understand the
magnitude of it all and how overwhelming it all is for
a little community like this. Jacumba has 800 people.
Boulevard has 1600 people. And you see here, right
here, we're outnumbered by Sempra and SDG&E.

So -- and I also have to go on the record
that I -- it was very disheartening for me when I was
trying to get this hearing, and they kept changing.
And on the end of July, you sent me an e-mail saying
nothing had been confirmed.
And then three or four days later, my supervisor hands me an e-mail saying that the federal register, August the 4th, that this is the day that had been set. So coming in here, it's very -- and I see that -- I see the smirks on these faces, and it's just -- it's so disheartening, you know.

MS. RUSSELL: Ms. Tisdale, I'm not smirking. I did receive your e-mail. Until the signature is placed on the federal register notice and it goes -- is sent to the register for publication, I can't tell you when the document is going to be printed. I'm sorry.

MS. TISDALE: Well, I'm sorry. I just can't quite -- I can't quite believe that. Thank you.

MS. RUSSELL: If we have just general questions about, you know, our project that are not germane to scoping --

MR. YOPS: I have something germane, yes.

MS. RUSSELL: Okay. Then, please.

MR. YOPS: Gerald Yops, Y-o-p-s. I've lived up here for 37 years. I was the former Highway Patrol officer at --

(Court reporter interruption.)

MR. YOPS: I have a little credibility from what I've done in the past. If I go to get a building permit on my house -- this all boils down to an environmental impact study. If I go to build a house, remodel a house, I talk to Donny, put a power pole, one
And the crux of this whole meeting is environmental impact study. You're trying to circumvent an environmental impact study and just get it bypassed through the Department of Energy and not have to go through the paperwork.

As a taxpayer, I demand -- I demand that they have to have an environmental impact study to do this project on private land here in Jacumba. You demand it of me. Everyone in this room demands it of me to get an environmental impact study to be done to make sure everything is square and the birds and the bees are all going to be okay tomorrow.

So that's my point, is this hearing is for an EIS report, and I demand, as a taxpayer and a citizen, that it be done for this project for Sempra Energy.

MS. RUSSELL: Thank you.

It is -- one more.

MR. BERGLUND: I'm Dennis Berglund. I would like to lodge a formal complaint. You are supposed to be the Department of Energy. You're supposed to be objective. And I sat next to that fellow back there in the blue shirt from Sempra, and these two guys obviously have a relationship and were continuously communicating back and forth before Joe got up to talk.

I think it's improper. It shows that you
have a relationship with Sempra that we do not have, or with you, and I think you should not, any longer -- cease and desist in any kind of activity in that manner. It's highly irregular.

MS. RUSSELL: Thank you for your comment.

Yes?

MS. MARSHALL: I'm sorry. I'm told that I -- I have just one question. It's really nothing.

MS. RUSSELL: You have to identify yourself for the record.

MS. MARSHALL: Oh, My name is Laura Marshall. And I just have one question. How long do we have now, because, see, I was contacted -- well, I was in my winter clothes the first time the Department of Energy contacted me to reserve the hall, and we always have a response time. How much time do we have left to respond?

MS. RUSSELL: You have until we send the document to the printer.

MS. TISDALE: You have until September 3rd.

MS. RUSSELL: The official closing date is September 3rd.

MS. MARSHALL: September 3rd.

MS. RUSSELL: However --

MS. MARSHALL: Well, we would have had a lot
of time to respond if we -- you know, the first time
the meeting was scheduled. We would have had some time
to respond -- September 3rd is pretty close.

MS. RUSSELL: It will probably take --

MS. MARSHALL: The postal service won't even
get it in time.

MS. RUSSELL: Okay. Let me respond.

For NEPA, we will continue to receive and
consider comments until pretty much the document is
ready to go to the printers. I can't see this process
taking less than six to nine months, if it remains an
environmental assessment. So if you have a comment
next month or the following month, yes, it will be
considered.

MS. MARSHALL: Okay. Just what I wanted to
know, because --

MS. RUSSELL: Okay. It's a little bit after
3:00. We're going to close the record until 5:00 p.m.

(The meeting was adjourned at 3:01 p.m.)
WELCOME TO SCOPING MEETING

MS. RUSSELL: Good evening. My name is Ellen Russell. I'm with the United States Department of Energy, Office of Electricity Delivery and Energy Reliability, and the reason we're here in Jacumba today is to begin the environmental process associated with Sempra Generation's application for a presidential permit to build a transmission line that crosses the U.S. border with Mexico.

It begins at a wind farm that they are proposing to build -- I don't think "wind farm" is the right term anymore -- but it's a wind-generated facility inside Mexico and a short transmission line into the United States, ending at a proposed substation to be built near -- here near Jacumba, called the "East County Substation."

Before any facility can be built across the border, Sempra Generation must obtain from the Department of Energy what is called a "presidential permit," and the presidential permit authorizes a company to construct, operate, maintain, connect electricity transmission facilities across the international boundary.

And the Department of Energy has jurisdiction
over electricity transmission lines, but a presidential permit is required for anything that crosses the border. The United States Department of State issues presidential permits for oil pipelines and water pipelines. The Federal Communications Commission issues presidential permits for communication lines. The Federal Energy Regulatory Commission issues presidential permits for natural gas lines.

The purpose of this meeting is to collect your comments on the environmental issues that we should be considering in preparation of our environmental assessment. It's also appropriate to tell you that our policy is -- federal policy is to limit consideration of the impacts of the proposed project we have on the United States or those that would accrue to the United States as a result of activities inside of Mexico.

Before I start, I want to introduce some people who are with me. Brian Mills is at the table. Brian is from my office, and he is our NEPA -- National Environmental Policy Act -- NEPA compliance officer.

I also have Elliot Nethercutt, who is in the back of the room, that everyone should have signed in with. And if you haven't signed in, I'd really appreciate you signing a card.

There are also representatives of Sempra Generation who are here today: Alberto Abreu and Joan
Heredia, and there are a couple of others. But Alberto is going to give you a brief overview of what their proposal is.

We have a court reporter here today. She's not here to intimidate any speakers. I want you guys to let us know what you think needs to be heard, but we want to make sure that we have a good record of everyone's comments. So pretend she's not here if you're not used to speaking in front of a court reporter.

The comment period for this proceeding closes September 3rd. That is not a hard date. We will be considering comments that are submitted after that date. It's just kind of a soft cutoff date to get your comments and give us something to begin working with as we prepare this document.

The document is going to take many, many, many months to produce, so if you have a comment that you would like to give me that you didn't think of when you were here, my contact information is in the federal register notice that's in the back of the room. You can send me an e-mail, and we'll -- we'll consider that comment.

If you comment right before we are ready to send the document to the printers, then, you know, it's not likely that we'll consider that comment in this first go-around, but you're going to get a second bite
So Dennis Trafecanty is going to be the first speaker, but I'm going to ask Alberto to give you a brief overview of the Sempra project first. Thanks.

MR. ABREU: Thank you.

STAFF PRESENTATION

MR. ABREU: Hello. My name is Alberto Abreu. I'm the project director for Sempra Energy for this particular project. Sempra Generation currently has leaseholds in Mexico of about 314,000 acres, specifically identified for development of wind generation, or at least limit us to wind generation, and the projects will be only wind generation.

The leaseholds are in Northern Baja along the Sierra Juarez mountain range, which is basically this mountain range, the name that they have in Mexico for the mountain ridge, which runs generally northwest to southeast through the town of La Rumorosa in Mexico.

La Rumorosa, the little town of La Rumorosa, is about 35 miles east of Tecate.

Sempra will construct the wind energy project in phases. The first phase would be the one closest to the Mexican border and is the one that is depicted in the visual simulations that are in the back. That one's just north of the town of La Rumorosa in an area
called "Ejido Jacume." And we have leaseholds there of approximately 14,000 acres.

Subsequent phases on the existing leases that we have would be about 50 miles south of the area, and those will be additional Phases 2, 3 or 4. We don't know yet how many turbines we can put in that area down there.

We submitted our permit application for the presidential permit in December 18 of 2007. We requested a permit for the construction of a generation tie line from Mexico to the United States to connect the wind energy projects to the Southwest Powerlink, and, therefore, to the U.S. electrical grid.

The application states that we would interconnect up to 1250 megawatts of wind generation to the U.S. grid. The exact size of the project itself, we're not really sure, but our permit application is for 1200. And the reason we don't know exactly what the size of megawatts that we would generate is:

There's a lot of factors that go into it, and some of them is wind data we don't have yet obtained for long enough periods in certain areas.

We submitted an amended application on March 19th, 2008, which provided additional information on the 230kV interconnection option. I should say that when we submitted the original application, we had two options: A 500-kilovolt interconnection line that...
would connect to the substation or a 230-kilovolt substation -- I'm sorry -- yeah, 230-kilovolt transmission generation tie line that would connect to the substation.

We've since done a little bit more engineering, and we have a little more definition of the 230 line, and that's the information we provided to DOE.

Today -- yesterday, we submitted a second amendment to change the name of the project from "Baja Wind U.S. Transmission, LLC," to "Energia Sierra Juarez," or "ESJ" for short, ESJ U.S. Transmission, LLC.

The main focus of the presidential permit application is the construction in the U.S. of a one-mile transmission line, which will connect the wind project to a substation that would be built by SDG&E, and that substation would be permitted by the Public Utilities Commission as per the proposal of SDG&E, and that substation would then connect to the Southwest Powerlink.

Our generation tie line consists of approximately four or five lattice towers over a permanent right-of-way of about 130-feet wide if it's a 230kV line or 214-feet wide if it's a 500kV line. Excluding any roads that may be needed, and there probably will be some roads that we need to construct,
we estimate that the permanent construction impacts on
the U.S. side of the transmission line is going to be
approximately a quarter acre, .25 to .3, something in
that range, of permanent impacts.

Hopefully, you've seen the setup we have in
the back. We're willing -- happy to answer any
questions outside the -- we're willing to answer any
questions you might have. And the visual simulations
are from three different vantage points: From I-8, one
from Jacumba and one from the Valley of the Moon. And
they simulate what the area would look like with the
substation and our wind turbines located there.

Thank you.

UNIDENTIFIED SPEAKER: You don't have any
nighttime pictures to show with the lights?

MR. ABREU: No. We don't have -- we haven't
done any, but that's something you can ask DOE to ask
us.

PUBLIC COMMENTS

MS. RUSSELL: Dennis Trafecanty.
MR. TRAFECANTY: Where do you want me?
MS. RUSSELL: Please.
MR. TRAFECANTY: I'm sorry. I didn't get a
chance to hear your presentation, but what is your
name?
MS. RUSSELL: Ellen Russell.

MR. TRAFECANTY: Ellen, thanks for having this meeting and the meeting earlier today.

My name is Dennis Trafecanty. I live in Santa Ysabel, which is quite a ways a little bit north and probably a little bit west of here.

I -- I just heard a little bit of information from the gentleman from Sempra right now. I -- it's really conflicted with some of the stuff that I've been working on, because what I've been working a lot on is what's called the proposed "Sunrise Powerlink." And I'm a little bit -- as a public citizen that wants to be involved in issues like this, I'm just about out of breath.

And I know that, Ellen, you know and we all know that there's a big 150-mile transmission line that's being proposed to be taken across through the state park, or down in the South County here, all the way to San Diego, and going north to L.A. and Orange County, which we're fighting.

And just yesterday, we got in our -- what's called a "REIS," recirculated environmental impact statement, and scoping comments. And tomorrow is the deadline for the Bureau of Land Management's intentions to open up all over California what's equivalent to one million -- close to one million acres for wind generation all over the public lands, which we all own.
those public lands. And so I'm preparing for those comments.

I'm coming down here today to find out what's going on with this presidential permit issue with La Rumorosa, which is now called something else. You know, I'm a businessman, and I'm in business right now, and we rented property for the longest time. And then, finally, we got to a point where we bought a building. And then we filled that building with inventory, and we got bigger and bigger, and then we contemplated maybe we need to buy another building.

Well, this whole issue that I'm going to refer to as "La Rumorosa" today -- because I didn't get the comment on what it's been renamed today -- but when you're putting something on 7- or 14- -- I heard 7500 acres, and they were going to build 1250 megawatts of power, which -- I'm a CPA. I know a little bit about numbers, and I don't know a lot about turbines. But I've heard you can't put 1250 megawatts on 7500 acres. So now I find out there's a leasehold for 314,000 acres. But when you're going to build something, you generally build it when you need it. We just bought our second building in our business because we're just exploding out of the first one. But in this case, this is going to be years to come before this thing gets approved, I think.

And secondly, if you're only starting right
there on 7,000 acres, why don't you run that power back to the -- the 230kV line that goes to San Diego? There's already a tie-in to San Diego. You don't need to build a 500kV line going across through Jacumba here until you really need it. You don't even need it right now, because they can't build it. They're still doing their studies.

So the presidential permit thing -- I'm going to talk as a businessman, because that's what I am. I'm not an expert on any of this, but I'm sure we'll get the right experts in here to question this. But you don't start building something until you really need it, and you have the -- I liken it to the Sterling Solar Plant that's out there being touted in the desert.

There's six units -- seven, I think, maybe. There's one in a foreign country -- that have been built, and they're still testing it, okay, to see -- but the whole Sunrise Powerlink was promoted as based upon building 36,000 solar dishes that haven't been proven yet. And so you don't go approve a 1 or $2 billion Sunrise Powerlink if you don't have the technology down. You got to get that done, too.

So I'm really concerned about this. I wrote some notes to CPUC that I'm going to comment on here. I think I told you that I think you can't build 1250 megawatts at La Rumorosa. And I'm sure Sempra's
going to come back and say, "Well, we've got 314,000 acres. Some are 50 miles away."

I'd say run it on a -- I mean, this is a foreign country. You know, if we're going to rely on foreign countries to generate power here in the U.S., you got to realize that there's a lot of question about that -- how -- whether that power's ever -- always going to be available to you.

So they've got a line. I'm sure we helped build it. I know a guy in Wisconsin that helped them build it when they desperately needed it many years ago. Just run it on the existing power -- forget about this one-mile line going into the U.S., because you don't need it right now. Ten years from now, let's talk about it, if they built all this wind and they've filled that line up with all the power that it can take.

I have a lot of suspicion only because I've seen Sempra, SDG&E in action before. 25, 26 years ago, they built the Southwest Powerlink. And when they built the Southwest Powerlink, they said, "We need this for" -- it was geothermal then. Okay. Well, here we are. 25 years later, we're still waiting. They got 16 megawatts of power, geothermal power going on that Southwest Powerlink. The rest is fossil fuel coming from the Far East.

I don't want -- I mean, you sort of get
burned a little bit with comments when you know past history doesn't show it. And I'm not going to get into the early 2000 debacle with Enron and other companies, but I know that Sempra, SDG&E gets slapped for significant fines for falsely raising prices and rates.

I mean, the local market in Santa Ysabel shut their lights down to a couple of lights because their prices were -- energy doubled. And I know Sempra and SDG&E was proven by the CPUC that they misled us, running power out of state and running it back in to higher prices.

Now, over here at La Rumorosa, the best I can tell -- and I'm a businessman, and I'm relying on people like Bill Powers and Michael Shames and a lot of people who are very knowledgeable in the industry of power engineering, generation rates, et cetera. We know it's either Mexico or it's Sempra or it's SDG&E or someone is running an LNG line right through La Rumorosa. I think you can see the pipes sticking up out of the ground over there. Okay. That gives me a little suspicion.

No. 2, I hear there's going to be, rather, a waterline under construction over there. Of course, it's a foreign country. You know, I can't prove it, but I think we can find this out. Water, LNG, you know, that Baja Plant they got, bringing stuff from Thailand, Russia, wherever it's coming from, over into...
Baja, running through these -- is this really wind generation? Is it really? Think of the people we're dealing with. Is it really wind generation?

I think this could be another bait and switch, just like in Mexicali. Those poor people in El Centro and Brawley and Westmorland are suffering from the worst asthma than I think there is anywhere else in California, maybe the U.S. And if you -- if they're really intending to put a fossil fuel plant, it seems like they've got all the tools to get it built.

And so is this another smokescreen to tell us all citizens here that we're going to have all this wind power? "They can't fight us because this is renewables, so the public can't fight us."

Well, we're going to fight it, and we're going to fight it the best we can. And I really think that SDG&E and Sempra -- Sempra in this case, because it's on the other side of the border -- I think that they shouldn't be -- we shouldn't permit them, unless they've assured us that this is renewable energy that's coming from Mexico, because I think they have other plans that you won't see in writing yet. Someday in the future, you will.

MS. RUSSELL: Mr. Trafecanty, can you either summarize --

MR. TRAFECANTY: Yeah, I'll summarize.

MS. RUSSELL: -- or hold the rest of your
I told you about the transmission line. I want to talk about environmental concerns, and then I'll go away. Okay?

MR. TRAFECANTY: Well, you don’t have too many cards, but, Ellen, I don't want to speak that much anymore anyway.

I know that there's something called the "Las Californias Binational Conservation Initiative." I know it's been signed up by the U.S. Bureau of Land Management, California State Parks and organizations in Mexico. They're all involved in this, and the purpose of which is to protect the wildlife and promote the improvement of the population of endangered species.

I also heard about the California condor introduction in Mexico and the fact that some of this -- new lines could cause a great impact to the -- our hopes that we could increase the population of that endangered species.

In my opinion, the impact on the Bighorn Sheep and the California condor, I mean, it's not --
it's unmitigable. You can't -- I mean, we're trying to create a corridor between the U.S. and Mexico. Mexico agrees, U.S. agrees to protect these species to promote the growth of this, and I don't think that you can do a presidential approval of something like this with the critical concerns on the environment, and especially with the wildlife. And I think it requires a -- a formal EIR, EIS in order to -- in order to evaluate it thoroughly.

And finally, what about the fires? It's all over the place, and it's going to happen here. And those transmission lines, they caused us to lose many of our properties in Santa Ysabel and Ramona, and it's been proven to be caused by transmission lines. Not quite as big as the ones they're trying to put in, but you know every large transmission line requires feeder lines, and those are the ones that cause more of the fires. And some of them are caused by the big transmission lines.

So, in summary, I think you can't just permit -- give a presidential approval of a line, even if it's only one mile, because there's so many massive things behind all of this that we don't know about that we need to investigate. Thank you very much.

MS. RUSSELL: Thank you.

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Peterson Reporting, Video & Litigation Services
UNIDENTIFIED SPEAKER: Excuse me. You're not going to do questions and answers here? You're only doing presentation from the public?

MS. RUSSELL: If we have time, I understand that Sempra would be willing to entertain questions about their project. If you have questions about the environmental process, certainly, as well.

Ms. Tisdale.

MS. TISDALE: I thought I was one of the last ones to sign up --

MS. RUSSELL: Okay. It was on the top of -- you can duke it out with Mr. Powers. How's that?

MS. TISDALE: Donna Tisdale, Boulevard Planning Group and also a citizen activist, and I'm also -- I didn't write it down, but I'm president of a group called "Backcountry Against Dumps."

I spoke earlier. I'm not going to repeat all that, but I did want to officially, on the record, ask for a copy of the transcripts of these -- this scoping hearing. I would very much appreciate that.

And I was going to show the maps for the gas pipelines, but I've left them sitting over there. And I do have photos of the waterline going in. I don't have copies, but I would be glad to show them to anybody that's interested.

And I also wanted to mention the visual resources. I didn't mention them before, but they...
made -- the turbines are so huge, over 400 feet, that I believe they would be visible from much of Boulevard, around the Tecate side. And the higher elevation areas, we have geographically extensive use.

You get all the way down into Baja and all the way up over to the Cambridge area and off down into Borrego. So these are also going to be daylight -- daytime strobe lights, blinking night lights. And then, also, the substation is going to have lighting as well.

So the other thing I didn't bring up was turbine fires. They are an ignition source themselves. They malfunction, and all you got to do is Google "turbine fires," and you'll be kind of surprised as to what you'll see.

So if anybody has any questions, they can talk to me afterwards, and I'll tell you what I know. Thank you.

MS. RUSSELL: Thank you.

Mr. Powers.

MR. POWERS: Bill Powers for the Power Plant Working Group and Powers Engineering, San Diego. And this is a background of our group: I was involved in the -- the Mexicali export plant transmission line permitting, and in that particular case, we got involved in that in 2002. And at the time, the applicant, Sempra, already had a contract with the
state to provide power.

There was no question that the plants were going to be built there, would be providing -- at least the Sempra Plant would be providing power in that contract. In this case, we have a -- a bold number, 1200 megawatts of wind power. We have no contracts.

The SCE contract, they withdrew that a few weeks ago at the PUC. And I think what Dennis brought up is a -- the overarching concern here is Sunrise Powerlink, that in Sempra's application, what they've said is: "We have 50 megawatts of slack capacity on the SWPL." If we put this transmission line in to get this wind, we're going to have to bump that other power into another line, and that line will be the Sunrise Powerlink.

Given that the applicant has linked them so closely, that this one mile of 500kV line in the U.S. will trigger the need to build that other transmission line, it does seem, to me, that the DOE is going to have to look at that indirect impact. If -- if one begets the other, based on what the applicant's telling you, that would be necessary.

And the CFE has estimated that there's approximately 800 megawatts of slack capacity on their two 230kv lines, which sit under and around the proposed wind development. And the -- I mean, in the California Energy Markets article that I read about
this, the -- the CFE pointed out the obvious: If Sempra locates the wind turbines here and there is no transmission link into SWPL, they will wheel the power on CFE lines. Correct.

However, this is not peaking power that you need at -- under a reliability-must-run contract or some other procedure that says, "We have to have this power 24/7 available." It's wind power. It comes and it goes.

And so the -- we had this debate with Sempra and SDG&E before, about you've got two 230kV lines in Mexico that parallel SWPL. I mean, it's within a few miles. Those could potentially be upgraded to allow transfer east to west. And the response has been: "For liability purposes, we cannot enter into an agreement with -- of that type with the CFE."

Well, there may be some merit to that, but this is also a company that's building an LNG terminal in Baja, owns a natural gas pipeline network in Baja, has built a power plant in Baja, radio transmission line into the U.S. Sempra has the capability to work with the Mexican government if they choose to. They just haven't chosen to do it in that case that I was using as an example.

But 800 megawatts slack capacity into two 230kV lines and estimated in the Sunrise Powerlink proceeding that I am a party in, 300 to 400 megawatts
of slack capacity on SWPL. This application says 50. That's a big difference. I mean, that's up to 350 megawatts.

That's without considering the fact that the DWR contract expires in 2011. Much of the rush to get that export plant built in Mexicali was you're sitting on a gold mine. You've got a $7 billion power contract that's been signed and delivered, and you need to get those plants online. We're not in that situation right now.

But, again, that plant -- or that contract expires in 2011. That means that Sempra is not going to have the ability to simply dictate that power from Mexicali or power from SD to Arizona that is tied into SWPL, flows into SWPL. They have the power now to basically dictate which plants provide power.

And so the DOE doesn't know and I don't know how much slack capacity is going to be on the SWPL when that contract ends, because renewable power is first in line. It has, essentially, no variable cost.

And so in the normal -- in the normal flow of events, what the wind turbines -- and Sempra is proposing in Mexicali -- would do is bounce the export plants offline, if you've got 1200 megawatts flowing, you've got other power flowing, or potentially bounce the Mexican plant off the line. And so DOE doesn't know that. I don't know that. But it should be
evaluated in the document, in my opinion.

And I think another thing that's important here is that the sort of Damocles that's been hanging over our heads for sometime has been the NIETC process. The DOE is going to punch it through -- I'm talking about the Sunrise Powerlink right now -- the DOE is going to punch it through regardless of what we do here in California.

It doesn't matter if the PUC spends five years and puts a 50,000-page EIS out, even if it says as it does now, that the environmentally superior options are local power. The first two are local, a combination of fossil and renewable, and in one case, 100 percent renewable. It doesn't matter. The DOE can step in. Boom. We're going to get SWPL. We're going to get this.

And I think that my experience with you and your group in the whole lawsuit case was -- is you're trying to do a good job. And I think that in this particular case, given how controversial the Sunrise Powerlink is and how everything revolves around that, that it would behoove the DOE to do an EIS, put a little distance between the federal government and Sempra Energy. I just think that would be good business to put a stamp of greater validity on this effort.

That's what I've got.
And I'm here to urge the Department of Energy to use the highest standards of scrutiny in environmental impacts -- EIS, in this case -- to review the possible negative impacts to critically endangered species in Baja California, including Bighorn Sheep corridors and California condor reintroduction efforts that have been conducted bi-nationally, both by the San Diego -- San Diego Zoo and Mexican counterparts in Sierra Juarez.

Another reason for urging high-standard scrutiny here is that the La Rumorosa project and associated road buildings is going to be required, will cause harmful and immediate secondary impacts. It's been very clear in the case of Baja California.
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Because once roads are opened, you get unregulated urban sprawl, which is one of the biggest forms of secondary impacts that are associated with key development projects of Baja California.

Finally, initial review of the permitting in Baja California and Mexico indicate that the Mexican permits for this project may be in question due to these -- in particular, the Bighorn Sheep and the California condor.

And finally, I would also like to call into the record the issue of the ejidos that are going to be affected by this project.

MS. RUSSELL: I --

MR. QUINTANAR: The ejidos are land cooperatives. The majority of land is held in Baja California --

MS. RUSSELL: Can you spell that for the reporter, please?

MR. QUINTANAR: Land cooperatives or ejidos are -- "ejido" is spelled e-j-i-d-o, and the plural is with an s.

An initial review of the contracts and its permits call into serious question all of these issues, and that's why I urge DOE to have the highest level of scrutiny in assessing this project.

Thank you.

MS. RUSSELL: Thank you. That's all the
speakers that have signed cards. Is there anyone else who would like to make a comment?

MR. KREKELBERG: From here?

MS. RUSSELL: No, please, so the reporter can hear you.

MR. KREKELBERG: Thank you. My name is Kevin Krekelberg. I'll spell the last name. It's K-r-e-k-e-l, b as in "boy," e-r-g. I'm a member of CUSP, which is Citizens United for Sensible Power. We are currently trying to discourage the Sunrise Powerlink in every effort.

And I don't want to point fingers at Sempra or SDG&E or anything like that, but I do want to say that I don't think you're getting all the information. I don't think it's being entirely -- they're completely forthcoming in what they're asking you to do. They're vague about whether it's going to be a 230 line or 500K line. They're vague about the distance. There are a lot -- they're vague about a lot of things.

I would just like to ask that you do a complete environmental impact study before we allow this proposed one-mile transmission line.

That's all I have.

MS. RUSSELL: Thank you.

I'd like to -- in the absence of any other comments, I would like to close the record for about a half an hour. You guys can look at the simulations,
talk with Sempra. And then if you've come up with any
other questions or comments that you would like to
provide, we'll go back on the record before we close it
for the night. Thank you.

(Recess.)

MS. RUSSELL: Okay. I have two more
speakers, Bill Parsons and Jeffrey McKernan. Do you

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guys want to flip for it or -- Bill.

MR. PARSONS: Well. First, in the --

MS. RUSSELL: For the record, please.

MR. PARSONS: Oh, Bill Parsons,
P-a-r-s-o-n-s.

About environmental issues, the visual
component, I just want to say that the simulations back
there do not represent reality.

(Applaud.)

MR. PARSONS: You're welcome.

They are what they are. But I'm a retired
professional photographer, and I know how to make wind
mills look really small, and I know how to make wind
mills look dominant, and a lot of that has to do with
what you do photographically. You use a normal- or
wide-angle lens, make the landscape big, the wind mills
look small. So don't take those pictures as
representations of reality.

The other thing is they're still photos. And
I love still photography, but the fact is that wind
mills move, and our eyes are attracted to things that
move. That's why we can't look away from the
television. They've always got a moving picture going,
and we're hypnotized by it, and this happens on the
landscape also.

If you go out there to look at a beautiful
mountain and there's a wind mill, your eyes are going
to see that circle over and over and over. It won't
stop. And not only does the wind mill turn, but it
casts extremely long shadows early in the morning and
late in the afternoon, which are the best times to
enjoy landscape. And those shadows are like strobe
things.

I don't know if any of you have noticed, but
if you drive by on Interstate 8 at certain times of the
year, there is the shadow of the wind mills on the
freeway, and it's like walking -- or driving through an
environment that is full of bars, and your face or your
eyes are -- get a constant shadow flash and then light
flash. It's a really amazing thing.

It's not going to hurt you, but it's going to
ruin your viewing experience. It's -- you're not going
to be enjoying the landscape when you're standing or
walking or hiking through the shadows of the wind mill
blades.

The second thing I'd like to mention,
Mr. Abreu, didn't you say -- how much land did you say?
MR. PARSONS: Yes.

MR. ABREU: It's one mile on the U.S. side and two miles on the Mexican side at the first point of connection.

MR. PARSONS: Okay. But I thought you also said something about it had a footprint of only --

MR. ABREU: Oh, the disturbed area is about a quarter -- the permanently disturbed area is about a quarter acre, .3 acres or thereabouts.

MR. PARSONS: Okay. That is a fact, and yet it's misleading, because you think, "Oh, oh, it's a quarter acre. That's not much land." But if you're a mile away, that's what you're going to see.

So, really, the disturbed area is all of the area that affects electromagnetically or visually or because of the dust on the road. If we really talked about how much area is being affected, it would probably be hundreds of acres. And I think that needs to be taken into consideration.

This is about scoping, so it's my concern --

I tried to express it earlier today and did a really bad job -- that the scope of this operation will not be large enough. If you have someone who crosses the border illegally with a backpack full of cocaine and
you decide to do a study on that, well, what is the scope of your study? Are you going to study the footprints that are left on the ground?

This is a cultural phenomenon. The effect of what will happen once the drugs are distributed in San Diego and elsewhere, maybe New York, it's a cultural effect that goes throughout our community, throughout the county, throughout the state. And this kind of project, this industrial project, is the same thing. You can't just look at the footprint that's going to be left behind, because the effects of it are pervasive and reach into every part of the society and the culture.

And I want to talk about just one of those cultural aspects, and that is that here in San Diego County, we have a plan, a general plan for the county, and it limits industrialization. It limits residential growth. It limits the exploitation of natural resources. And much of the planning and the proposals that have come from Sempra ignore our county limitations and ignore the cultural part of development.

Boulevard is right close to here, and I'm not going to speak for Jacumba because I know people in Jacumba have their own bias. But most of the people in Boulevard who will be affected by this transmission
line, other transmission lines by wind mill
development, all of these things, are there primarily
because they enjoy the rural character, the wild west
atmosphere of the country.

And to preserve that is one of the goals of
the Boulevard Planning Group and one of the goals of
the county plan, the general plan for San Diego County.
It recognizes rural character and the right to preserve
it. And any industrial development that disregards
that component of our lives is basically unwanted.

And the needs of local people and the plans
of the county shouldn't be ignored. They should be
counted as strongly as any other factor and, of course,
in my opinion, stronger than any other. They should
certainly be counted as part of whatever assessment you
make.

And I want to second things that Donna
Tisdale has said and Dennis and Aaron and Bill Powers.
And all of them have suggested a full study with a very
wide scope, and I hope you do it. Thank you.

MS. RUSSELL: Thank you.

Mr. McKernan.

MR. MCKERNAN: Jeffrey McKernan,

M-c-K-e-r-n-a-n.

I just wanted to say, looking at the
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simulations, that they don't depict at all what the windmills -- what the wind turbines will look like. I live four miles south of the Campo wind farm, and they're prominent on the hillsides. They don't disappear like those. Those are over 100 -- about 100 feet taller than the Campo wind farm, so they're going to be even more visible with the lights and the height at all different times of the day.

The other thing I wanted to say, the lease deals with ejidos -- well, who are they? There's so much Cartel on this side of the border, do they have to honor their lease? What if they pull out of their lease, and we get stuck -- we're going to be stuck paying for this project still, because someone is going to have to eat the cost. And it's going to be us eating that cost, just like properties were seized in Rosarito and Ensenada. They were taken back from American citizens who have lived there for years.

There's nothing stopping the other side of the border from taking ahold of the project and stopping our electrical transmission or our power from coming over here. I mean, they can seize the property. They can take it back and not honor their leases. What recourse do we have? It's a foreign government. I mean, look at all that red tape and cost that we would...
have to pay for your lawyers to try to get the lease back also if that ever happened.

And the other thing I wanted to say is that I believe environmental -- a full environmental impact statement should be done in this project. That's all.

MS. RUSSELL: Thank you.

Karen McIntyre.

MS. MCINTYRE: M-c-I-n-t-y-r-e.

Mr. Parsons -- by the way, I'm Karen McIntyre. My family has lived up on this mountain for over 35 years, so I think we've been long-time residents. And the reason why we had bought out in Campo is that -- for part of a short story here, we grew up in the suburbs of Santee. We had our neighbors. My dad wanted to get out of Santee. So we moved a little bit further out, up by the Boot Hill area.

They found the one piece of property that had beautiful Eucalyptus trees on it. They had the plants for their perfect house, and then all that shopping center and all those houses started moving in across from Santana High School. Well, goodbye Santee; hello Campo.

So we've been up here -- my parents purposely found a piece of property in the middle of nowhere, three miles up a dirt road so that no one would build on top of us, and my father found the perfect hill. It
looks over Echo Valley, Campo Meadows. We had the most perfect view shed clear to the Mexican border. That has been spoiled by Campo Hills.

I can feel the pain that these people are going to have for having to look at wind mills. Because when you move up here and you move your house onto a piece of property, you go all over that property, and you find your perfect little spot, your little piece of heaven to where you have the perfect view, and you plot how you're going to put your house up there and everything.

And then, you know, for something like this to be, you know, put in and destroy it, it's -- it's not fair. I mean, this is why they make it so people can't build up on ridge lines anymore: So you do not destroy the view shed.

Second thing I want to bring up is that Americans are not allowed to own businesses in Mexico. I have had friends that I went to high school with. Their parents died. They have a dual citizenship: Mexican and American. The Mexican government made them choose. And since they did not choose Mexican, the Mexicans -- the government took over their businesses, everything.

There's nothing that will protect Sempra from having this loss to the Mexican government. They're their own country. They can do whatever they want to
do. They don't have to abide by any real contracts.

Nothing.

And so, to me, that is a loss of millions and billions of dollars for a pipe dream that you can possibly only hold onto for hopefully a year before the government wants it all for themselves. You know, they need electricity, too. They don't have the money to build this, and we're just the suckers to build it for them so they can take it over. Thank you.

MS. RUSSELL: Is there anyone else that would like to speak?

UNIDENTIFIED SPEAKER: Drill now.

MS. MCKERNAN: I would. Do I need to come up there?

MS. RUSSELL: Sorry.

MS. MCKERNAN: I know.

Laura McKernan, M-c-K-e-r-n-a-n, Laura, L-a-u-r-a. I live in Boulevard, and I was told the wind -- I'm so for that green energy and everything and get rid of bottled water and recycle water and do everything.

And they told me when the wind mills came in at Campo, that I wouldn't even see them, and that's all I see out my kitchen window, is blinking lights all night, watching TV. And all during the day, I see them and find out they don't even use all their energy they get.
And it's such a loss of my view that my house -- you have to look out another window to have a view, and I live on top of a mountain with the most gorgeous view, and that's all I see, is the windmills now. And I don't think of renewable energy. I don't think of going green anymore. I just think of my entire view ruined, and I think it's such a drag.

And I think -- to tell me, by looking at those pictures, that you won't see them, I see them 24 hours a day, seven days a week, and that's all I see. And I didn't move to the country from Santee, like you lived in Santee, where all the hills are telephone poles and power lines and apartments and traffic and all that -- I moved down here to have a view, something that so many Americans just dream of and drive their kids out to see, a view. "Look at this mountain." They've never seen a mountain like that.

They've never seen a view like McCain Valley, O'Neil Valley. You see these places, and my grandbaby, who's nine months old, won't see these things. He's going to just think of the outdoors as windmills and power lines, and that's what the outdoors is. And that's not what it is. We live out in the country.

The view should be beautiful and not be made to feel guilty because we don't want green energy because it ruins our view. We are for recycling. We are for all that, but not to lose the one thing that we
do have up here on this hill that we gave all those --
you know, shopping and necessities and everything close
for us, to have the beauty of nature.

And to have that taken away from us when
that's all you have, it's such a shame, and then to
make you feel bad because people think you don't want
green energy then. And the first thing I want to see
when I look that way is a border fence, not wind mills.
I want a border, and then talk wind mills.

Thank you.

MS. RUSSELL: If that's our last comment, I'm
just going to thank everyone for coming out,
participating in this. I appreciate it. We have some
work to do.

MS. TISDALE.

MS. TISDALE: I saw a car pull in, and you
said it was open till 7:00. I thought I saw a car pull

in.

MS. RUSSELL: Okay.

Elliot, could you check, please.

MS. TISDALE: People have a long way to drive
to town from work.

MS. RUSSELL: Okay.

MS. TISDALE: Maybe they just turned around.

MS. RUSSELL: We're going to close the
record. Thank you very much for coming.

(The meeting was concluded at 6:29 p.m.)
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

I, Regina L. Garrison, a Certified Shorthand Reporter for the State of California, CSR No. 12921, do hereby certify: That the proceedings were taken before me at the time and place herein named; that the said proceedings were reported by me in shorthand and transcribed through computer-aided transcription, under my direction; and that the foregoing is a true record of the testimony elicited at said proceedings to the best of my ability.
I do further certify that I am a disinterested person and am in no way interested in the outcome of this action or connected with or related to any of the parties in this action or to their respective counsel.

In witness whereof, I have hereunto set my hand this _____ day of ________________, 2008.

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REGINA L. GARRISON, CSR NO. 12921

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