

**Comments on the Administrative Draft of the Sunrise Powerlink EIR/EIS
Colorado Desert District
CA Department of Parks and Recreation
July 5, 2007**

These comments are arranged in order of the chapters in the Draft EIR/EIS. A number of specialists at State Parks are providing these comments, from both the headquarters office in Sacramento and the Colorado Desert District. Some of these are in the form of narrative comments and others are in recommended language in indented redline form. We have tried to standardize as much as possible for ease of use and cross-referencing. We appreciate the work Aspen and the other project consultants and hope these comments and recommendations will also be given full consideration. Because of the large volume of material, and the short turn-around time to review it, these may not be the only comments or concerns that State Parks has with this project. While a few additional comments on these sections may come in before July 5, 2007, any additional comments (other than those on sections yet to be received) will likely be provided to the CPUC and BLM during the formal public review period.

If you have questions on the comments please contact Brad Torgan at btorgan@parks.ca.gov or Dave Lawhead at dlawhead@parks.ca.gov.

Introduction (Section A)

Section A.6.3.1, p. A-21

The Proposed Project would pass through Anza-Borrego Desert State Park (ABDSP) for an approximately distance of 22 miles. Although SDG&E has an existing easement for its 69 kV transmission line through the Park, the Proposed Project could not be constructed within the existing easement because of its narrow width (100 feet or less), and therefore additional ROW would be required. The existing 69 kV easement is bordered by State designated Wilderness Areas including: Vallecito Mountains Wilderness Area, Pinyon Ridge Wilderness Area, and Grapevine Mountain Wilderness Area. Expansion of the 69 kV easement into the designated Wilderness Areas could require an amendment to the ABDSP General Plan in order for the Proposed Project to be carried forward. Expansion beyond the existing easement in the area designated Backcountry Zone in the ABDSP General Plan may also require a General Plan amendment for the Proposed Project to be carried forward. Current land use policy for ABDSP is detailed in the Final General Plan and Environmental Impact Report (SCH #2002021060) dated February 11, 2005. Sections D.16 and D.17 further describes the ABDSP General Plan and necessity for plan amendment if the Proposed Project and some route alternatives are approved

New facilities of the intensity of the proposed project are generally inconsistent with the Backcountry Zone designation, although some allowances may be made within the existing right of way per Operations Goal 4. See ABDSP GP pp. 3-13 to 15, 3-52 and Figure 6.6)

Project Description (Section B)

Section B.2.2, pp. B-10, 11

Existing Transmission ROW

In general, the SRPL Project would follow SDG&E and IID's existing easements and/or the existing transmission line through ABDSP. The ~~100-foot~~ easement follows the IID 92 kV line along Old Kane Springs Road past the IID San Felipe Substation (located just east of the Park Boundary), then along SR78 to the Narrows Substation. At this point the ROW ownership transfers from IID to SDG&E. The route follows SR78 to County Route 3 (S-3), and then turns northwest along SDG&E's existing 69 kV easement, along Grapevine Canyon Road. The Grapevine Canyon area, except for SDG&E's current ~~100-foot~~ easement, has been ~~designated-classified~~ as State Wilderness by the California ~~Department of Parks and Recreation~~ Commission. The Proposed Project ROW would be located southwest of Pinyon Ridge Wilderness Area and northeast of Grapevine Mountain Wilderness Area. The statutory or recorded easement through the majority of ABDSP is 100-feet, but may be less than 100-feet or even non-existent in several areas.

A discussion of the basis for these suggested changes follows the section on SDG&E Easement - ADBSP History and Current Status

IID Easement in ABDSP – History and Current Status

...

The existing transmission line may, however, cross land that was not transferred by the federal authorizing legislation and reservations in the land patents. The actual location of towers and associated right-of-way have not been recorded accurately within the ABDSP desert due to the fact that there are no field monuments and the distortions of section lines as well as GIS technology not being available, and that maps were hand drawn and not to scale. Additionally, the desert landscape surrounding the existing transmission towers and ROW has changed significantly over time. The inaccuracy in recording to owners and ROW within ABDSP has made it difficult to determine the site-specific location of State and privately held land patents, making title records throughout the 1920s and 1930s unclear and inaccurate.

SDG&E Easement – ABDSP History and Current Status

...

Due to the inadequate land surveys of the past, unclear title records have hampered SDG&E's search for ROW grants dated over 80 years ago. However, SDG&E has surveyed the existing facilities as part of its 2005 application to the BLM to renew its 100-foot wide easement. A sample of the location of the transmission line identified in this survey is shown in comparison with the location from the State Parks Records, the 1924 Southern Sierras Co. survey, and the 2006 GPS survey in Figure B-4a. If correct, the 2006 GPS survey data may place the existing transmission line in an area for which no easement was ever granted. Both State Parks and SDG&E assert that maps of the facilities to date, including results of the 2006 GPS survey, are inaccurate. However, for the purposes of this assessment we are considering the existing easement to be ~~150~~ 100 feet.

There are also some areas, generally near the western boundary of ABDSP, where the easement was granted by a private party, rather than a governmental entity. The width of these rights-of-way is unclear from the grants and may be less than 100 feet; however, here, too, for the purposes of this assessment we are considering the existing easement to be 100 feet.

It is not clear what “maps of the facilities to date” are considered inaccurate or that State Parks believes the results of the 2006 GPS survey are inaccurate. We have not been able yet to review SDG&E’s data. The sentence also makes it appear as though SDG&E and State Parks agree on the inaccuracies, which itself may be an inaccurate statement. Where we think there is agreement is in the lack of data, especially with respect to the location of monuments. It would probably be best, then, to simply delete the sentence. Additionally, nowhere through ABDSP is the easement greater than 100-feet. There is no rational basis for assuming a 150-foot easement and it should therefore not be used. Please also note that on page A-21 you also refer to the existing easement as 100 feet or less, which also should preclude using 150’ here.

Right of Way Discussion

The existence of a 100’ right of way through ABDSP has generally been assumed for purposes of the project. Based on new information (in particular, SDG&E’s new data that form the basis of Figure B-4a), this may not be the case.

The new location of the line places it in Section 16, both as shown on Figure B-4a, as well as Section 16 in a township farther to the west (although the lack of monumentation clouds the issue). Section 16 lands were never under BLM jurisdiction. Instead, they were granted to the State through a federal granting act, Act of March 3, 1853, 10 Stat. 244. The relevant language is in Section 6 of the Act, “...all public lands in the State of California, whether surveyed or unsurveyed, with the exception of sections sixteen and thirty-six, which shall be and hereby are granted to the State for the purpose of public schools in each township...shall be subject to the preemption laws...”

A 1921 California statute purported to grant a right of way “over the proprietary lands of the state...to the United States for all telegraph, telephone, power or light lines... (Stats. 1921, Ch. 173, pp. 180-81). This statute, however (codified as Public Resources Code section 8351), was repealed in 1943 and included language that the prior act “does not include, has never included, and was not intended to include lands held by the State in trust for a particular purpose.” (Stats. 1943, Ch. 1124, sec. 3, p. 3067.) We believe the land granted in 1853 is held in trust. (*Wyman v. Banvard* (1863) 22 Cal. 524, 530-31; 41 Ops.Cal.Atty.Gen 202). Therefore, no statutory or recorded easement exists for the portion of the transmission line through Sections 16.

Given that, another issue which will need to be addressed is which State agency controls disposition of Section 16 lands. Control of Section 16 lands generally rests with the State Lands Commission (SLC). The Section 16 lands in question, though, came to State Parks through the predecessor in interest to SLC. We have also confirmed that as of the acquisition date of these sections, there were no easements of record for the electrical transmission or a reservation of right. Nevertheless, if SLC retains some jurisdiction, it may also be a Responsible Agency. We have informally alerted SLC staff of this issue.

This is not to say, however, that there may not be an equitable right in favor of SDG&E. It may not, though, be a right to 100' and may only be what would have been necessary for a 92kV transmission line constructed in the 1920's. This may be less than 100'.

The issue of the extent of right of way through several areas where the right of way was granted from a private party (not BLM) has also not been resolved. Those easements, generally near the western boundary of the park, are silent as to the width of the easement granted. Again, what may have been granted is less than 100' if what may have necessary for a 69kV line constructed in the 1920's is less.

Section B.3.3.1, pp.B-61-62

ROW Acquisition

...Within ABDSP, the proposed ROW would follow SDG&E's existing ~~100-foot~~ easement. However, the width and location of the existing easement through ABDSP is still being verified and there are short segments of the Proposed Project alignment that deviate completely from SDG&E's existing easements (0.4 acres within Grapevine Mountain Wilderness Area and 42.47 acres within Pinyon Ridge Wilderness Area) or that may be less than 100' in width (see section B.2.2.2).

Biological Resources (Section D.2)

Previous Comments

We appreciate the consideration and revisions that were made in response to previous discussions. However, we remain concerned about the lack of an ecosystem level impact analysis that also addresses the significance of the natural resources on park lands, and the emphasis on construction impacts over the impacts of the project itself. We also remain concerned about previous Specific Comments numbered 3 (in part), 9, 11, 13, 14, 15, 17, 18 and 19, and request that they be addressed before the document is circulated for public review.

General Comment

The document acknowledges in Section D.2.1.2 that ABDSP has been recognized as an internationally significant conservation area, and that it contains some of the highest quality riparian areas in the Colorado Desert. However, this significance is not reflected in either the impact analysis for the project or the proposed mitigation ratios for park impacts. Because of this, we do not concur with the proposed ratios. We also do not concur with the application of higher mitigation ratios solely for habitat that is currently occupied. This methodology ignores the normal population fluctuations that are experienced by all organisms, and does not account for the presence of plants in the seed or spore stage. All potential habitat for sensitive species, regardless of current visible signs of occupation, should be mitigated at the higher ratios; these habitats are not only necessary for recovery of severely depleted populations, they are also needed to accommodate the periodic natural increases that help maintain stable populations. In addition to this, occupied habitat for listed and sensitive species cannot be considered separately from the whole ecosystem because the occupied habitats continue to function at least in part due to the characteristics of the surrounding lands. For these reasons, the mitigation ratios for all

potential habitat for sensitive species should be mitigated at the higher ratios, and the mitigation ratios for all other habitats within ABDSP should be increased.

Specific Comments on the Revised Draft

Page D.2-5

Burrowing Owl: We recommend that the Kane Springs Road segment be added as Potential Locations for surveys. There is ample potential habitat, and we find burrowing owls in similar terrain in the Borrego Valley.

Page D.2-8

The last paragraph on this page indicates that “The impacts assessment assumes species presence in all potential habitats...” However, this doesn’t seem to have been applied consistently throughout the document. For instance, Table D.2-4 states that there is low potential for tortoise from mile 40-75 of the proposed project, but doesn’t include potential for either tortoise or FTHL westerly of S3 (approximately). In contrast, for the ABDSP partial underground alternative, which is westerly of S3, the discussion (D.2-192) includes the potential for both desert tortoise and FTHL. This seems inconsistent.

Page D.2-13

Last paragraph: Our records show that Anza-Borrego Desert State Park was formally brought together as one classified unit in 1957, not 1963 as depicted in the Draft.

Page D.2-24

Veg. communities: How are Angelina Spring and Stuart Spring riparian areas classified? We do not see them listed in the graph. They should be listed in Wetlands or Riparian somewhere on this chart. They are significant in this segment of project.

Page D.2-49

CA Condor has been observed within SD County since this writing and documented within Cuyamaca Rancho and Anza-Borrego Desert State Parks on the PCT. **Summer Tanager** has been documented as nesting along San Felipe Creek in the area of Sentenac Cienega.

Page D.2-53

Angelina Spring should have special consideration under “Special Habitat Mgmt. Overview” in the last paragraph.

Page D.2-62

The Impact Summary indicates that the potential impacts to biological resources identified for the proposed project are based on the assumed implementation of the APMs and implementation of recommended mitigation measures. This statement seems contrary to CEQA and should be clarified. The differentiation between what is included as a project feature and what is a

mitigation measure needs to be clear and it must be applied consistently to the proposed project and all alternatives to allow a valid comparison among them.

Page D.2-77

For all mitigation measures that include maintenance and monitoring for 5 years or until established success criteria are met, this language should be modified so maintenance and monitoring will be for a minimum of 5 years, even if the success criteria are met prior to this. This is necessary to help avoid the appearance of success that may just be a response to favorable years but cannot be sustained over the long term.

Page D.2-77 (Mitigation Measure B-1a, last paragraph)

For areas where habitat restoration cannot meet mitigation requirements, purchase or dedication of habitat will be provided at the mitigation ratios provided in Table D.2-7 or as otherwise required by the wildlife agencies [and State Parks \(for impacts to ABDSP\)](#) (supersedes the mitigation ratios in BIO-APM-1). A habitat management plan shall be prepared that details how the mitigation area shall be managed in perpetuity, and an endowment shall be provided to provide for perpetual management of the habitat. A Property Analysis Record shall be prepared that details the funding required for implementation of the habitat management plan.

Page D.2-81, Impact B-3

Parks does not agree with the conclusion that this impact is adequately addressed by BIO-APM-23 and 25, and therefore needs no mitigation. Although the collection and reuse of topsoil can be a very effective mitigation measure, it may not be appropriate if invasive non-natives are also present; this should be evaluated, in consultation with Parks, prior to implementation within ABDSP. In addition, while we agree with BIO-APM-25 in concept, the unfortunate reality is that it's not always possible to get weed-free seed. Because of the potential long-term management implications of introducing additional weeds into the park, the project should commit to monitoring all areas disturbed by construction for a period of no less than 5 years, and the removal (before seed set) of all weed species with the potential to become an issue for the Park. Parks should not incur any additional management issues as a result of the project (see also our previous comment #11 regarding temporary access roads).

Page D.2-83-Mitigation Measure B-5a, paragraph 4

Impacts to federal or State listed plant species shall first be avoided where feasible, and then compensated for through relocation (salvage and relocation for plants in ABDSP shall be determined [in consultation with and approval of](#) ~~by~~ State Parks) via a five-year restoration program and/or acquisition and preservation of habitat containing the plant at a 2:1 ratio.

Page D.2-83

We would like to review and approve any Property Analysis Record that is done for mitigation measures that affect the management responsibilities of State Parks.

Page D.2-84

The impacts assessment seems too narrowly focused on construction impacts.

Page D.2-89, 4th paragraph

...Approximately 40 to 50 of those sheep occurred in the Pinyon Ridge and Yaqui Ridge areas of the South San Ysidro Mountains~~Grapevine Canyon~~ (in the south San Ysidro ewe group area)...

Page D.2-89, 2nd paragraph

It is unknown whether Proposed Project access roads or enlarged tower structures would be perceived by PBS as barriers.

Page D.2-90

Even with a 5:1 land mitigation rate, there's major concern for impact on movement corridors, especially at The Narrows on Hwy 78 in Anza-Borrego. Purchase of land cannot mitigate the fragmentation of two mountain ranges such as may occur with this major project proposed along State Hwy. 78. More concern should be expressed and planned for wildlife overpasses or crossings than simple acquisition of sheep habitat elsewhere.

The discussions and determination of an appropriate mitigation measure for bighorn sheep should not be limited to a constructed overpass. Depending on the selected location, it may be more effective to utilize the existing topography for the sheep and put SR-78 in a tunnel. This would limit the habitat changes that are perceived by the sheep by retaining existing physical characteristics and should increase the potential for the sheep to continue use of the movement corridor. In addition, it would maintain the visual continuity of the area for Park visitors. The project should be prepared to fund the solution that is developed by the USFWS, DFG, and the Park.

Page D.2-92

Top of page: A long-term monitoring program should become a major mitigating element. A study of at least ten years should monitor effects and potential impacts of the project on sheep behavior, movements, and dispersal in the project corridor. A long-term monitoring plan is needed to measure the influence of the project and to factor in cycles of rainfall, vegetative productivity and drought.

Page D.2-95, 3rd full paragraph

Since the area of potential least Bell's vireo nesting is so minimal within Anza-Borrego (Tamarisk Grove, Yaqui Well, Angelina Spring and Stuart Spring, it is recommended that NO construction activity occur in these areas during the breeding/nesting period of March thru Sept.

Page D.2-110, Mitigation Measure B-9a

Bat maternity colonies are not restricted to caves and rock crevices. Since they also use trees, culverts, bridges and other structures, these areas should also be included in the mitigation measure.

Page D.2-111, paragraph 1,

The last sentence indicates that “it is assumed that SDG&E will revise BIO-APM-21 to conform to the latest practices...” This should not be assumed; if the 2006 APLIC document provides greater protection, its use should be required as a mitigation measure.

Page D.2-113

Since the APLIC bird collision standards have been in effect for a number of years, information on effectiveness should be available. A discussion of this would provide useful information in the evaluation of both the project and this mitigation measure.

Page D.2-114

Predation by ravens will not just be an issue for FTHL and tortoise. Since ravens are known to be opportunistic, it’s reasonable to assume that they will prey on a variety of species, including other sensitive species. However, since the removal of native species is not consistent with the mission of State Parks, it is not desirable on park lands and should be avoided through measures to prevent nesting.

Page D.2-115

Recommend the “General Nesting Season” extend thru Sept. 30th. Vireos are documented within Anza-Borrego in nesting areas as late as Sept. 16th, and must be assumed in breeding/nesting behavior while defending territories.

Page D.2-178, D.2.21.1

The section addressing the impacts of the partial underground ABDSP SR-78 to S2 Alternative should be expanded to include a discussion of the benefits of undergrounding. The alternatives need to be compared and contrasted to the extent that the differences in their impacts can be seen. This deficiency is particularly notable in the discussion of impacts to bighorn sheep. Although the description of this alternative is somewhat vague, it’s our understanding that it would be underground from approximately Split Mountain Road to Scissors Crossing. If that is the case, then the impacts to sheep should be decreased and this needs to be clear in the document.

Page D.2-181

We do not agree with the proposed mitigation ratio for coast live oak woodland. This ratio is too low to adequately mitigate for this habitat type. (See also the general comment above regarding mitigation ratios for park impacts).

Pages D.2-189 &190

Paul Jorgensen 2006 and Scott Martin 2007 are cited in the text, but are not included in the References section. This should be corrected. In addition, Mr. Martin's first name should be spelled Scot.

Page D.2-191

The discussion about bird migration and collision may need to be expanded to acknowledge that the risk of collision will be decreased because part of this alternative is underground (not clear if this is the case – alternative description lacking in detail).

Page D.2-194, paragraph 1

The second sentence indicates that the proposed project would partially underground the transmission lines, while the alternative would include only overhead lines. This is somewhat misleading because the project only undergrounds 92kV, while 500kV remain overhead. This difference needs to be clarified relative to the impacts of the alternative as compared to the proposed project.

Page D.2.26 Mitigation Monitoring, Compliance, and Reporting Table

This should include the full wording of each mitigation measure to ensure compliance with all aspects of the measures.

Visual Resources (Section D.3)

While it is important to analyze visual impacts from trails near Tamarisk Grove Campground, impacts from within the campground, especially given its level of use, should also be analyzed because the results of those impacts may be greater on the campground than on the trail.

The Draft EIR/EIS emphasizes in a number of places that the portion of SR-78 that traverses ABDSP is a designated State Scenic Highway. However, it does not discuss the impacts of the project on the designation. Will this designation need to be removed because the project's visual impacts no longer allow the highway to meet the criteria for a scenic highway? This should be discussed in the EIR/EIS.

Land Use (Section D.4)

Section D.4.2.2, p.D.4-15

The proposed route would follow or parallel an existing ~~100-foot wide~~ right-of-way (ROW) within ABDSP, but SDG&E would need to acquire at least an additional 50 feet

of ROW to accommodate the Proposed Project. Portions of the proposed route would deviate from the existing ROW in order to reduce potential impacts to existing resources (e.g., Tamarisk Grove Campground, a cultural resources site). Approximately 8 miles of new access roads would be constructed, amounting to approximately 19.4 acres of land disturbance.

Table D.4-4, p.D.4-16

Anza-Borrego Desert State Park and the San Felipe Hills Wilderness Study Area should be designated as sensitive land uses. Just because you have chosen to address them for analysis D.5 does not mean they are not sensitive land uses.

Section D.4.3, p.D.4-27

Anza-Borrego Desert State Park Final General Plan and EIR

The Proposed Project alignment would pass through Anza-Borrego Desert State Park (ABDSP), including the Vallecito Mountains Wilderness Area, Piñon Ridge Wilderness Area, and Grapevine Mountain Wilderness Area. The ABDSP General Plan, adopted in 2005, establishes the overall long-range purpose and vision for the future of ABDSP. The General Plan delineates six management zones providing for a variety of uses and a set of goals and guidelines that guide park management, as well as specific project management and implementation. Specific goals and supporting guidelines further clarify the visions of ABDSP. These goals and guidelines are designed to rectify identified issues, while providing for continued resource protection, preservation, rehabilitation, recreational opportunities, and facility development and interpretation at ABDSP. The goals and guidelines provide direction for future park managers and set the parameters for subsequent management and development plans.

Section D.4.4, p. D.4-28

The first significance criterion is in conflict with applicable land use plans of an agency with jurisdiction over the project for the purpose of avoiding or mitigating environmental effects. That refers to regulatory and statutory classification of the land, not just actual uses occurring on the land. Organizationally, it would make more sense to thus fold section D.17 into this section, especially since section D.4.3 discusses applicable land use plans. We also point out that even though D.17 discusses the need for various plan amendments, nowhere is the discussion related back to this first significance criterion. This is even more reason for D.17 to be folded into D.4, or at least to carry a discussion of the significance criteria and impact over to D.17.

Section D.4.4.1

It is not clear where the first significance criterion is treated, but the project impact is significant under this criterion with respect to ABDSP because the proposed project would require an amendment to the ABDSP General Plan.

Section D.4.-6

Impact L-2 should be Class I, not “No Impact.” A Class I impact with respect to any impact on Recreation and Wilderness (D.5) should equate to a Class I impact here. Moreover, Class I aesthetic/visual impacts should also equate with a Class I impact here because the proposed project will be visible from such a substantial portion of the ABDSP General Plan Wilderness Zone. Among the purpose and intent of the zone is “to prevent bisecting the natural areas and vistas so important to the public’s enjoyment of ABDSP, without obstruction by man-made features..” (GP §3.2.4.5). The proposed project will be visible from a substantial amount of Wilderness Zone area, contrary to the purpose of the Wilderness Zone.

Wilderness & Recreation (Section D.5)

Section D.5.1, p.D-5.1

1.5 miles seems arbitrary for determining/analyzing indirect impacts from the proposed project and should have further explanation. The proposed project will likely be visible from a much farther distance for areas within ABDSP.

Within ABDSP, the proposed ROW would generally follow SDG&E and IID’s existing ~~100-foot~~ easements, although at least an additional 50 feet of ROW would need to be acquired, resulting in a total ROW width of 150 feet. See Section B.2.2 for a more detailed discussion of right of way issues.

Section D.5.3, p.D.5-21

The Proposed Project alignment would pass through Anza-Borrego Desert State Park (ABDSP), affecting wilderness areas including the Vallecito Mountains Wilderness Area, Pinyon Ridge Wilderness Area, and Grapevine Mountain Wilderness Area. The ABDSP General Plan, adopted in 2005, establishes the overall long-range purpose and vision for the future of ABDSP. The General Plan delineates six management zones providing for a variety of uses and a set of goals and guidelines that guide park management, as well as specific project management and implementation. ~~Specific goals and supporting guidelines further clarify the visions of ABDSP.~~ These goals and guidelines are designed to rectify identified issues, while providing for continued resource protection, preservation, rehabilitation, recreational opportunities, and facility development and interpretation at ABDSP. The goals and guidelines provide direction for future park managers and set the parameters for subsequent management and development plan.

Page D.5-32

2nd Paragraph under “Impact WR-2” Add a line that Tamarisk Grove Campground would most likely have to be closed and relocated outside the 500Kv corridor, as public safety, aesthetics, and recreational qualities could not be mitigated to a less than significant level.

Section D.5.6 (Operational Impacts), p.D.5-33

Additional feasible mitigation needs to be included to address Impacts WR-2 and WR-3. The visual intrusion and noise impacts of the proposed project onto Tamarisk Grove Campground will be so substantial that State Parks believes there is a strong likelihood Tamarisk Grove will be rendered unusable as a camping facility. See note above. While there is open camping in the majority of ABDSP, the loss of Tamarisk Grove would represent a significant loss (27 out of 170) of improved and ADA compliant camping facilities in ADBSP. Section D.14.6 also recognizes lost revenue from reduced uses (day use and overnight camping) at Tamarisk Grove.

Mitigation should be added to require funding for planning and physically establishing new/replacement campsites. This ratio should be at a 2:1 ratio rather than 1:1, given unique attributes of Tamarisk Grove; the site was disturbed prior to being a campground; location at the confluence of two roads; mature trees; and a relatively high water table that allowed for the drilling of a well and a ready water supply. Given these attributes, however, sufficient replacement sites might not be found. As a result of that uncertainty, the impact should still be Class I for WR-2 and should be Class I for WR-3.

p. D.5-34

The proposed SRPL Project would require at least a 50-foot expansion of SDG&E's existing ~~100-foot wide~~ easement throughout ABDSP, and in some locations in Grapevine Canyon, a larger portion of the ROW would be located within wilderness areas.

Page D.5-34

The proposed SRPL Project would require at least a 50-foot expansion of SDG&E's existing ~~100-foot wide~~ easement throughout ABDSP, and in some locations in Grapevine Canyon, a larger portion of the ROW would be located within wilderness areas. The additional ROW width through Grapevine Canyon would require the use of approximately 50.2 acres of State Wilderness within the Pinyon Ridge Wilderness Area (48.1 acres) and Grapevine Mountain Wilderness Area (1.3 acres) (see Table D.5-4 and Appendix 11B for detailed maps). Proposed SRPL ROW would not be located within Vallecito Mountains Wilderness Area. However, portions of three temporary pull sites for stringing the 500 kV conductor would be located within the Wilderness Area, resulting in 0.8 acres of impact to wilderness. Note that the distinction between temporary and permanent impacts to wilderness is not made because both are prohibited.

As described in Section D.5.3, the presence of a transmission line and the equipment required for construction directly conflict with the definition of a wilderness area, and would require de-designation of the wilderness classification. Similarly, the definition of a wilderness area also precludes pull sites. No record of the re-classification of California State Wilderness, once established, has been identified. The loss of land in wilderness areas would be a significant and unmitigable impact (Class I). Although it would not reduce the severity of the impact of the Proposed Project on wilderness areas in ABDSP, Mitigation Measures WR-4a (Purchase additional State wilderness acreage) and WR-4b (Minimize area of project facilities within wilderness land) are presented below to offset the significant loss of wilderness land within the Park.

The Draft EIR/EIS needs to expand its discussion and impact analysis of the indirect impacts of the project on State Wilderness lands. While the current assessment in the EIR/EIS is that project impacts to the ABDSP are Class I, this conclusion seems to be primarily based upon direct impacts to Wilderness from the construction of facilities. We agree with this assessment, however, indirect impacts primarily from the visual impacts of the project are also significant, and an attempt should be made to quantify these impacts. We recommend that a digital topographic model of the portion of ABDSP in the vicinity of the transmission line route be used to generate the areas of the park from which the project will be visible. Perhaps the distance discussed in the Visual Resources section (pg.D.3-4) would be appropriate. The “foreground/midground zone”, extending up to five miles from the transmission line would seem a reasonable distance to consider for indirect impacts. The total acreage of Wilderness lands, and park lands in general, that would be indirectly impacted could be estimated using this methodology. The Colorado Desert District has a preliminary version of a topographic model, and would be willing to work with Aspen to refine it for use in the EIR/EIS analysis. While the results would not change the overall level of significance of the impacts either to Visual Resources or Wilderness Values, since both are Class I, it would give the general public and the decision-makers a more complete picture of the magnitude of the impacts from the Sunrise Powerlink on ABDSP. We believe that the magnitude of impacts will be especially important in comparing project alternatives.

Cultural and Paleontological Resources (Section D.7)

Cultural Resources

Page D.7-5 Alternatives Analysis:

Although the sampling bias inherent in a strategy defined by public versus private land ownership is now recognized, the discussion is limited. It is not clear in subsequent sections how “the bias is accounted during the impact analysis.”

Page D.7-10, Environmental Setting, Note re. discussion of Grapevine Canyon:

From an archaeological perspective, the paragraphs in question are discrete and appropriate. It is still possible that it would be appropriate to review this discussion with the concerned Native Americans.

Page D.7-11, Environmental Setting: Tamarisk Grove Historical Evaluation

Please incorporate following reference to State Parks evaluation:

Allen, Rebecca and James D. Newland. Recordation and Evaluation of Buildings and Structures Constructed Between 1942-1965: In and By California State Parks and Beaches. Past Forward, Inc., Richmond, CA. July 2002. For California State Parks, Southern Service Center, San Diego, CA.

Paleontological Resources

General Comments

This review is directed at the introductory sections of chapter D.7 *Cultural and Paleontological Resources*, and specifically to those portions that cover the Imperial Valley and Anza-Borrego Links. Comments or amendments for the Central, Inland Valley, or Coastal Links are not included.

Within the scope of this review, with respect to paleontological resources assessment, potential negative impacts, and mitigation measures, the draft document generally is inclusive and adequate. Errors and omissions are discussed below in sequence as they appear in the text. The Tables were not numbered in the draft copy, and are herein labeled "first" through "sixth" as they appear.

Key references, such as Demere and Walsh (2003) and Scott (2006) were not provided.

For the Imperial Valley and Anza-Borrego Links the "Geologic units . . . were identified using" (D.7-132) the California Division of Mines and Geology 1:125,000 scale maps for San Diego (1959) and Imperial (1966) Counties, and the 1:250,000 San Diego-El Centro Sheet (1962) and Santa Ana Sheet (1965). These 40-year-old+ sources predate and do not list most of the current stratigraphic names used in the EIR/EIS Table D.7-[first] (D.7-133) and in subsequent text. Because paleontologic sensitivity (D.7-131-132, 141) is based on mapped geological formations and their names as found in published geological accounts, correct stratigraphic nomenclature is critical. For example, the incorrectly spelled name "Palm Springs Group" should be replaced throughout the document with Palm Spring Group. And, the formation name "Diablo" (within the Palm Spring Group, and previously called the Palm Spring Formation) has been applied to a Permian age unit in southwestern Nevada as well as to a unit of Pliocene age in northern California (Keroher et al. 1966). The name "Diablo" clearly is preoccupied, and should be changed to the Arroyo Diablo Formation (Cassiliano 2002). Also, there seems to be some confusion with the outcrop distribution of the Hueso and Ocotillo Formations within the region.

Exposures mapped as "Pc?", undivided Pliocene nonmarine deposits are shown on the 1:250,000 Santa Ana Sheet (1965) adjacent to the Anza-Borrego Link and Highway 78 southeast of the Fan Felipe Narrows. "Pc" includes much of what is now called the Palm Spring Group. It is rated as paleontologically highly sensitive, and the potential of these exposures to yield significant paleontological remains should have been discussed. However, they are not addressed.

Specific Issues

Under D.7.12.3 (D.7-73), most vertebrate fossils found in ABDSP are not recovered from the Imperial Group sediments as claimed. They are found in the Hueso Formation of the Palm Spring Group and Ocotillo Formation. Formations of the Palm Spring Group are widely exposed in the Truckhaven Geothermal Leasing area.

Why does the assigned/estimated sensitivity of the Brawley Formation change from moderate to high at the San Diego/Imperial County line (Table D.7-[first]) (D.7-133)? The probability of encountering significant fossils within this unit does not change at this political boundary.

Under D.7.9.1, the Lake Cahuilla beds (informal formation name) not only have produced the invertebrates and lower vertebrates as listed (D.7-134) but also nine taxa of birds, and the aquatic mammals muskrat and beaver (H. Quinn pers. comm. 2007). Also, the Brawley Formation does not "outcrop" (a noun), it crops out.

Under D.7.9.2, the Ocotillo Formation (D.7-135) does not unconformably overlie the Hueso Formation. It exhibits no exposed contacts with the Hueso Formation, unconformable or conformable. Furthermore, these units are thought to have been deposited in separate basins (Dorsey 2006), and they overlap in age between about 1.1 and 0.9 Ma. This error is also seen at D.7.34 (D.7-155).

The Arroyo Diablo Formation (Diablo in the text) comprises the base of the Palm Spring Group (Palm Springs in some text) and is 4.0 not 3.2 Ma in age (Dorsey 2006). This error is also seen at D.7.34 (D.7-155).

The Hueso Formation is not exposed in the Borrego Badlands (page D.7-135), but in the Vallecito Creek Badlands. It ranges into the mid-Pleistocene (0.9 Ma), not just early. The Ocotillo Formation is exposed in the Borrego Badlands. These two terrestrial deposits have yielded similar numbers of significant vertebrate remains (page D.7-135). This error is also seen at D.7.34 (D.7-155).

Why is the largely igneous rock "Hybrid Gneiss" (D.7-136, Table D.7 [six], D.7-145) in these discussion? Other local igneous and metamorphic named geological formations are not included.

Under D.7.22 (D.7-141), relevant guidelines for the management of paleontological resources found in the Anza-Borrego Desert State Park General Plan (2005) and the California Department of Parks and Recreation Operations Manual should be referenced or summarized within the document.

Under D.7.23.1, the "paleontological resource assessment criteria developed by the San Diego Natural History Museum", need to be referenced or summarized within the document if they have not been published.

Under D.7.24 (D.7-144 Pal-1b), the Society of Vertebrate Paleontology (SVP 1991, 1995, 1996) guidelines and standards should be fully referenced.

In Pal-1b, c (D.7-144), what is "part-time basis" monitoring?

Exposures of "Pc?", undivided Pliocene nonmarine deposits, are shown on the 1:250,000 Santa Ana Sheet (1965). A. Kirby (2006) has mapped exposures of the Hawk Canyon formation along the east piedmont of the Vallecito Mountains south of Highway 78 and east of the San Felipe Narrows that fall within this earlier mapped area. The Hawk Canyon formation yields ~ 10 Ma-old significant vertebrate remains. It should be included in Table D.7-[first], D.7-[sixth], D.7-[thirteenth] and discussed under the Anza-Borrego Link (D.7.25, D.7-145, 146) as a potential source of fossil vertebrate remains.

As far as we am aware, there are no mapped exposures of the Ocotillo Formation within ABDSP along Highway 78 (D.7.34.1, D.7-156, 157). MP 3.4-3.6 (Table D.7-[thirteen]) is not in ABDSP.

References

California Department of Parks and Recreation 2005. Anza-Borrego Desert State Park® final general plan and environmental impact report. Document on File, Department of Parks and Recreation, Sacramento, and Colorado Desert District Stout Research Center, Borrego Springs, California 2002021060 363p.

Cassiliano, M.A. 2002. Revision of the stratigraphic nomenclature of the Plio-Pleistocene Palm Spring Group (new rank), Anza-Borrego Desert, southern California. *Proceedings of the San Diego Society of Natural History* 38:1-30.

Dorsey, R. 2006. Stratigraphy, tectonics and basin evolution in the Anza-Borrego Desert Region. *In* The Fossil Treasures of the Anza-Borrego Desert, edited by G.T. Jefferson and L. Lindsay, Sunbelt Publications, San Diego, California p. 89-104.

Keroher, G.C., and others 1966. Lexicon of geological names of the United States for 1936-1960. *Geological Survey Bulletin* 1200, Part 1, A-F, p.1110-1111.

Society of Vertebrate Paleontology 1991. Standard measures for assessment and mitigation of adverse impacts to nonrenewable paleontological resources. *News Bulletin* 152:2-5.

----- 1995. Assessment and mitigation of adverse impacts to nonrenewable paleontological resources-standard guidelines. *News Bulletin* 163:22-27.

----- 1996. Conditions of receivership for paleontological salvage collections (final draft). *News Bulletin* 166:31-32.

Steeley, A.N. 2006. The evolution from late Miocene west Salton Detachment faulting to cross-cutting Pleistocene oblique strike-slip faults in the SW Slaton Trough, southern California. Undergraduate Thesis, Department of Geological Sciences, University of Oregon, Eugene 78 p.

Socioeconomics (Section D.14)

Page D.14-3, paragraph 3

The California Department of Parks and Recreation provides law enforcement and public safety services within the 23 miles of the project that pass through Anza- Borrego Desert State Park. CDP&R shares concurrent jurisdiction with the San Diego County Sheriff's Department and the California Highway Patrol.

Page D.14-5

The Anza-Borrego Link consists of 22.6 miles within Anza-Borrego Desert State Park (ABDSP). The Proposed Project would parallel much of an existing ~~100-foot wide~~ ROW within ABDSP, but would require that SDG&E obtain an 150-foot ROW or widen the existing ROW by at least 50 feet. While existing access roads would be used along most of the Anza-Borrego Link, eight miles of new access roads would be required.

...

Because this link of the Proposed Project would be located entirely within ABDSP, no permanent population is located along the route. ABDSP, however, is visited by approximately one million people annually. Table D.14-1, presented under Imperial Valley Link above, identifies the 2005 population, housing, and employment statistics within San Diego County, in which Anza-Borrego Desert State Park is located. San Diego County had a population of approximately 2.8 million people, with 8.5 percent of workers in construction occupations and a 6.5 percent housing vacancy rate (U.S. Census, 2005).

The discussion of public services needs to acknowledge that CDPR is the primary provider of law enforcement and public safety services within the park.

Page D.14-27

The project will also likely reduce primitive overnight camping in the Yaqui Well area.

Mitigation WR-1 should require more than coordination with local agencies to identify alternative recreation areas. Compensation for lost revenue and funds to replace lost recreational opportunities is also feasible. See comments to D.5.6, above.

Page D.14-29-31, new paragraph

Construction of the SRPL will require the construction of eight miles of additional vehicle road in the Park and the construction of approximately 139 spur roads to access the tower locations. These will create new points of access to the public in areas that have extremely sensitive natural and cultural resources. Additional patrol of these areas will be required to protect these resources and provide public safety for likely increased public use of areas accessible via the spur roads.

D.14-32

Impact S-3 is a Class II impact, not a Class III. The presence of the proposed project, including the substantial number of spur roads, will increase the need for law enforcement and public safety services as people, both on foot and in vehicles, make use of the spur roads. Both new personnel and equipment may be necessary to meet these additional service requirements.

D.14.FTSE-1-6

This section contains no discussion of the impacts of future system expansion on the Anza-Borrego link.

D.14.FTSE-6 (Construction impacts, Impact S-1)

No discussion of how future expansion could reduce revenues to ABDSP.

Fire/Fuels (Section D.15)

D.15-8

“Fireshed” is a technical term unfamiliar to most people. A brief definition would be helpful.

Page D-15-16, paragraph 1

The County of San Diego does not have its own individual oversight fire department. Rather, fire protection throughout the County is broken down into dozens of city and district fire departments, with broad fire protection resources depending on locality and need. ~~In the County of San Diego, all wildland fire oversight is provided by the CDF.~~ The CDF is also contracted by the County to provide specific district oversight as well. State Parks has a single fire engine in Borrego Springs that is used as a reserve when CDF resources are committed elsewhere.

Borrego Springs Fire Protection District

The Borrego Springs Fire Protection District maintains a fire station in Borrego Springs and also responds to fire emergencies in the nearby desert. Borrego Springs Fire Protection District resources include:

- 12 paid fire fighters
- 21 reserve fire fighters
- 2 engines
- 1 water tender
- 3 ambulances

← Formatted: Bullets and Numbering

Page D15-18, paragraph 2

Figure D.15-3 is PFS-6, Ranchita, **not** PFS-1, Penasquitos

Page D.15-22, paragraph 5

Figure D.15-4 is PFS-5, San Felipe, **not** PFS-2, Poway

Page D.15-27, paragraph 6

Figure D.15-4 is PFS-5, San Felipe, **not** PFS-3, Ramona

Page D.15-32, paragraph 4

Figure D.15-6 is PFS-2, Poway, **not** PFS-4, Santa Ysabel

Page D.15-38, paragraph 1

Figure D.15-7 is PFS-3, Ramona **not** PFS-5, San Felipe

Page D.15-43 paragraph 5

Figure D.18-8 is PFS-1, Penasquitos **not** PFS-6, Ranchita

Page D.15-46, paragraph 2, third sentence, change to read:

The Bureau of Land Management (BLM) manages the San Felipe Hills, and San Ysidro Mountain, Wilderness Study Areas.

Policy Consistency (Section D.16)

Section D.16.4, p.D.16-4

Why is the SANDAG Regional Comprehensive Plan not applicable to the 100' ROW alternative?

The Applicable Plan bullets for the ABDSP General Plan and Scenic Highway Guidelines appear to be in the wrong boxes.

Section D.16.4.2

This section doesn't address ABDSP General Plan Management Zones, but should because they guide policy within the particular zone. The Management Zone discussion includes permitted uses within each zone. There is generally no explicit mention of transmission facilities, but we believe that the only Management Zone with which the proposed project would not conflict is FUZ II. We note SDG&E's implicit agreement with this belief as evidenced by its comments to the State Park and Recreation Commission on the Draft ABDSP General Plan (August 27, 2004), asking that the corridor be designated Focused Use Zone II. Those comments are attached to the scoping letter of Bradley Torgan to Billie Blanchard and Lynda Kastol, dated November 8, 2006, and included in Powerlink Public Scoping Report Volume 1.

If you chose to not address Management Zones here, we would suggest some narrative nonetheless with a cross-reference to the section where they will be addressed:

In addition to the policies listed below, the ABDSP General Plan also include a number of land use classifications, referred to as Management Zones. Management Zones describe the overall management purpose and intent of specific regions within the Park as well as depict their intended uses. Each zone provides direction for the general level and type of development and use within that zone. They are ordered, in general, from the highest intensity of visitor use to the lowest. Areas within each zone may also have

varying degrees of use intensity. Consistency of the proposed project with the relevant zones is discussed in greater detail in section D.x.

Page D.16-36. Biota Element Guidelines 1a and 1b, p.D.16-36

The proposed project is not consistent with these guidelines. The proposed project impacts bighorn sheep critical habitat, potentially precludes an important movement corridor in the Narrows, and is considered a Class I (significant even after mitigation) impact to sheep. This fundamentally conflicts with guidelines that discuss proactive efforts, preservation and recovery.

Significant and Sensitive Biota Element Guideline 1e, p.D.16-36

We believe the proposed project is not consistent with the Guideline because large transmission facilities would likely preclude designation of an area in the future as a Natural Preserve, even for sensitive habitats of outstanding importance for regional biodiversity and sensitive species conservation. See CCR, title 14, section 4351.

Landscape Linkages Goal 1, p.D.16-38

We believe the proposed project is not consistent with the Goal. To enhance (as opposed to verbs like minimize) imply actions to increase the ability of native plants and animals to be dispersed throughout the park. A large transmission facility is inherently at odds with this goal.

Landscape Linkages Guideline 1a, p.D.16-38

We believe the proposed project is not consistent with the guideline. The impacts to bighorn sheep habitat and movement corridors preclude the project from being consistent with the guideline.

Infrastructure and Operations Goal 3, p.D.16-42

We believe the proposed project is not consistent with the Goal. The key is that roads not compromise the integrity of the park resources. The proposed project and its associated roads will do just that, especially compromising the visual integrity of the park.

Plan Amendments (Section D.17)

Table D.17-1, p. D.17-4

2 Note: ~~BLM versus ABDSP land ownership currently being resolved~~The extent of BLM jurisdiction to authorize rights of way through ABDSP is still being determined.

Section D.17.1.2 and Section D.17.2.2, pp. D.17-3 to 5

ABDSP General Plan Amendment Discussion

The ADEIR discussed only one potential basis for a General Plan amendment, intrusion into State Wilderness. The need for amendment to the General Plan for the proposed project is actually threefold.

First, transmission lines are not a permitted use in the Wilderness Zone. (GP §3.2.4.5. See also General Plan at page 2-92). While the General Plan specifically excludes the existing SDGE 69kV line from the Wilderness designation, the proposed project would require expansion into land classified as Wilderness.

Second, transmission lines are also generally inconsistent with the Backcountry Zone (GP §3.2.4.4) and the General Plan does not exclude the existing SDGE line from lands so designated. (GP Fig. 6-6). In acknowledging the existence of the existing transmission line, though, the existing line and easement was implicitly grandfathered in. (See also Operations Goal 4). Nevertheless, the proposed project would require expansion into the Backcountry Zone, necessitating a General Plan amendment. SDG&E recognized this in its comments to the State Park and Recreation Commission on the Draft ABDSP General Plan (August 27, 2004), asking that the corridor be designated Focused Use Zone II. Those comments are attached to the scoping letter of Bradly Torgan to Billie Blanchard and Lynda Kastol, dated November 8, 2006, and included in Powerlink Public Scoping Report Volume 1.

Third, the proposed project would also require amendments involving specific goals and guidelines. See section D.16. Compatibility of a project with a General Plan does not necessarily require conformity or compliance with every applicable goal and guideline, but there is enough inconsistency demonstrated here as a result of the size and scope of the proposed project, especially with key recreational and operation policies, to require more than just a Management Zone change, Infrastructure and Operations Guideline 4a notwithstanding.

For State Parks to provide additional right-of-way for new or additional transmission facilities without an amendment first being approved by the State Park & Recreation Commission would violate applicable sections of the Public Resources Code.

Section G

Cumulative impacts should include the following projects:

- Transportation Corridor Authority (TCA) South Orange County Transportation Infrastructure Improvement Program (SOCTIIP), usually referred to as the Foothill-South Toll Road. An EIR has been certified for the project, which will bisect San Onofre State Beach (SOSB) in northern San Diego County. Project construction has not commenced.
- California Department of Parks & Recreation right-of-entry permit for an exploratory geothermal well, Ocotillo Wells State Vehicular Recreation Area (OWSVRA). A permit was issued in 2005. Construction has not commenced under the terms of the permit.
- It is also our understanding that since August 2006 the California State Lands Commission (SLC) has received at least five new applications for geothermal well drilling on land on and around OWSVRA, applications currently under review. SLC is

the body responsible for the management of mineral rights owned by the State, including those underlying OWSVRA.

These projects, while not necessarily near the proposed project, point to the diminishment and loss of the recreational value of State parkland and recreational resources.

p.G-58

The cumulative project figures are F, not G.

Table G-2.2

Why is the Ocotillo Wells SVRA General Plan not included? Cumulative impacts can address adjacent jurisdictions, not just those the proposed project passes through.

p.G-65-68

Impact WR-1 discussion simply rehashes the analysis of the proposed project. There is no discussion of the cumulative impacts that the Table G-1 projects have.

p.G-68-69

Impact WR-2 discussion simply rehashes the analysis of the proposed project on areas through which the proposed project passes. There is no discussion of the cumulative impacts that the Table G-1 projects have on the character of regional recreation areas.

p.G-69-72

Impact WR-3 discussion simply rehashes the analysis of the proposed project on areas through which the proposed project passes. There is no discussion of the cumulative impacts that the Table G-1 projects have on the accessibility of recreation areas. As an example, we note above that there is a significant impact resulting from the likely loss of Tamarisk Grove campground. Our comments on the SOCTIIP EIR to the TCA notes that the presence of a multi-land toll road within several hundred feet of the San Mateo campground in SOSB would likely lead to its loss. Combined, the cumulative impact is the loss of approximately 190 improved campsites. This may not seem like a large number, especially given the amount of land available for backcountry camping, but it does represent an approximately 13% loss of developed State Parks campsites in San Diego and Imperial Counties. The cumulative impact of the proposed project along with other projects impacting Ocotillo Wells SVRA and BLM lands may have a significant impact on access to lands for off-highway vehicle use. There is no discussion of this, however.

p.G-72

Impact WR-4 discussion simply rehashes the analysis of the proposed project on areas through which the proposed project passes. There is no discussion of the cumulative impacts that the Table G-1 projects have with respect to loss of Wilderness Lands. Are there any other projects regionally that are attempting to encroach into wilderness areas?

