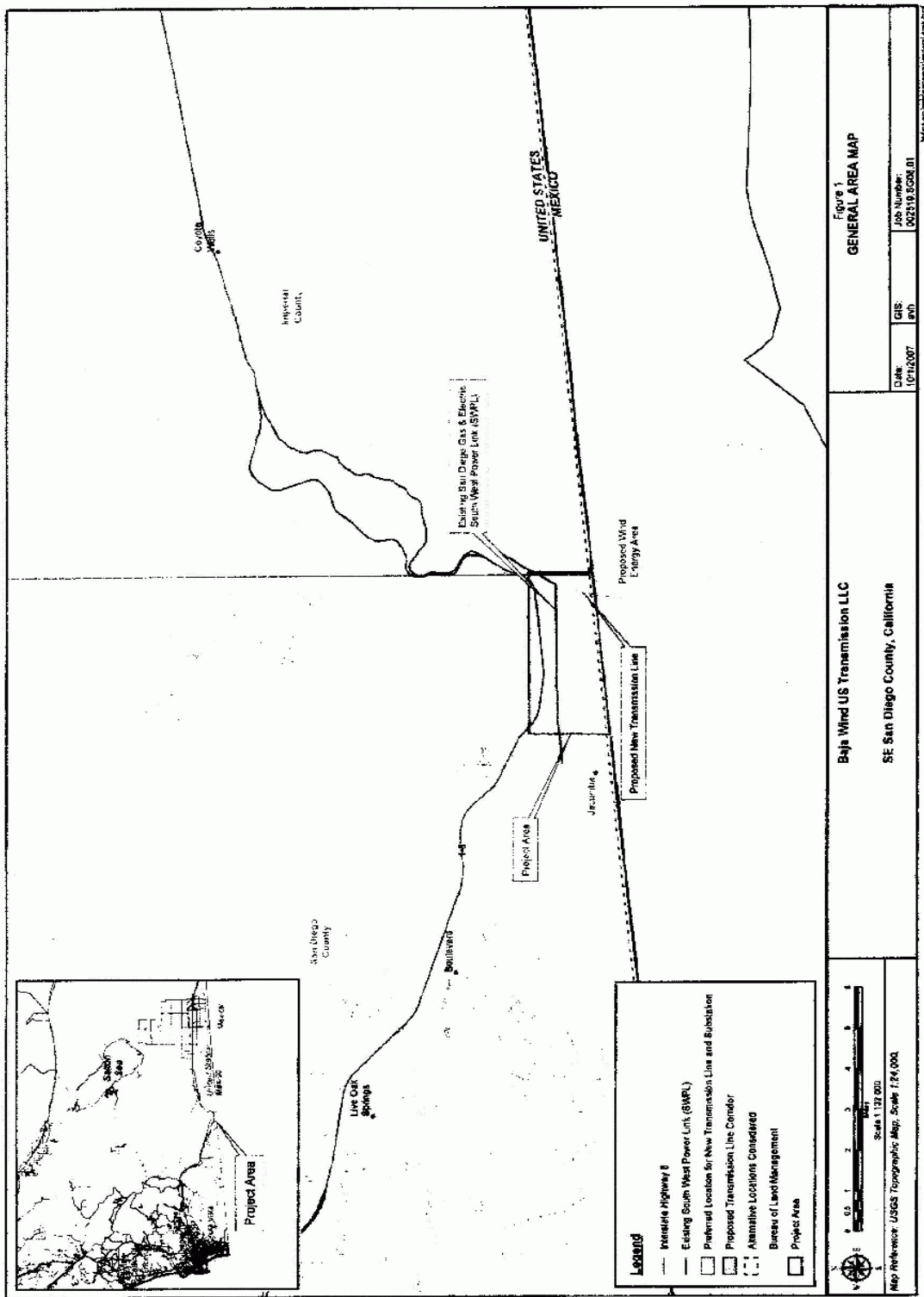


Comment Set B0002, cont.
Boulevard Planning Group

EXHIBIT A
Overall general area map

B0002-111 cont.

Comment Set B0002, cont.
 Boulevard Planning Group



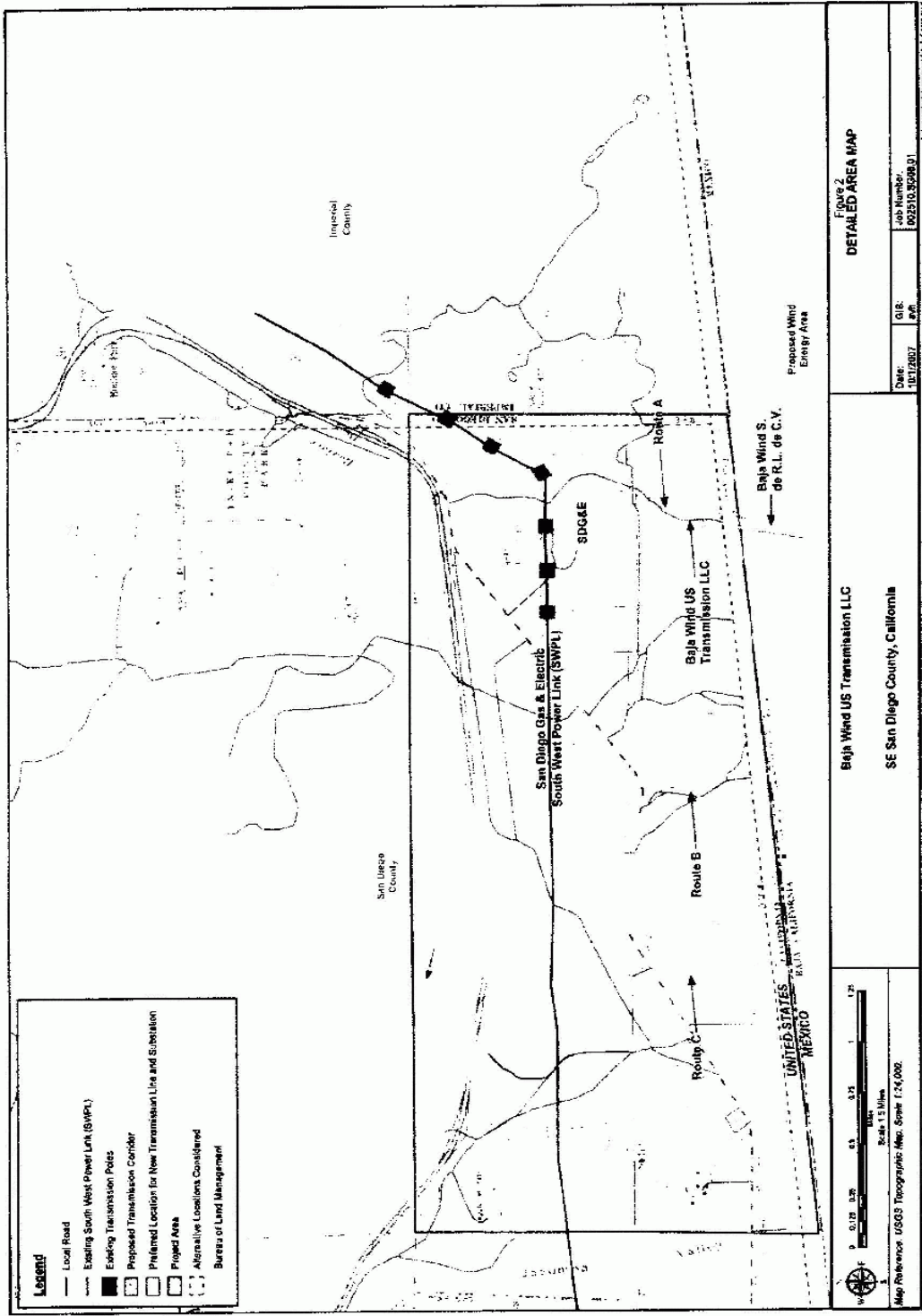
B0002-111 cont.

Comment Set B0002, cont.
Boulevard Planning Group

EXHIBIT B
Detailed area map

B0002-111 cont.

Comment Set B0002, cont.
 Boulevard Planning Group



B0002-111 cont.

Comment Set B0002, cont.
Boulevard Planning Group

EXHIBIT C
Opinion of counsel

B0002-111 cont.

Comment Set B0002, cont.
Boulevard Planning Group

December 18, 2007

B0002-111 cont.

U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Ladies and Gentlemen:

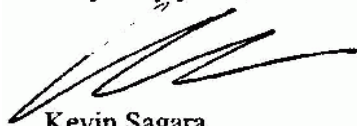
This opinion is rendered in connection with the application ("Application") of Baja Wind U.S. Transmission, LLC, a Delaware limited liability company ("Baja Wind U.S.") for authority to construct, connect, operate, and maintain a new electric transmission facility crossing the border of the United States for the transmission of electricity between the United States and Mexico to be filed with the Department of Energy ("DOE") pursuant to Executive Order No. 10485, as amended, and 10 CFR Sections 205.320 *et seq.* (1998).

Based on my understanding of Baja Wind U.S.'s proposal and my examination of such documents, records, and matters of law as I have considered to be relevant in the premises, it is my opinion that:

1. The construction, connection, operation, and maintenance of the proposed facilities, as contemplated by the Application, are within the corporate power of Baja Wind U.S.
2. Based on information provided by representatives of Baja Wind U.S., the proposed facilities comply with all pertinent Federal and State laws.

I am opining herein as to the effect on the subject transaction only of the federal laws of the United States and the internal laws of the State of California, and I express no opinion with respect to the applicability thereto, or effect thereon, of the laws of any other jurisdiction or as to any matters of municipal law or the laws of any other local agencies within any state. This opinion is issued as of the date hereof and is necessarily limited to the laws now in effect. I am not assuming any obligation to review or update this opinion should applicable law or the existing facts and circumstances change. This opinion is provided by me as counsel for Baja Wind U.S. solely to you for your exclusive use and is not to be made available to or relied upon by any other persons or entities without my prior written consent.

Very truly yours,



Kevin Sagara
Vice President and Associate General Counsel

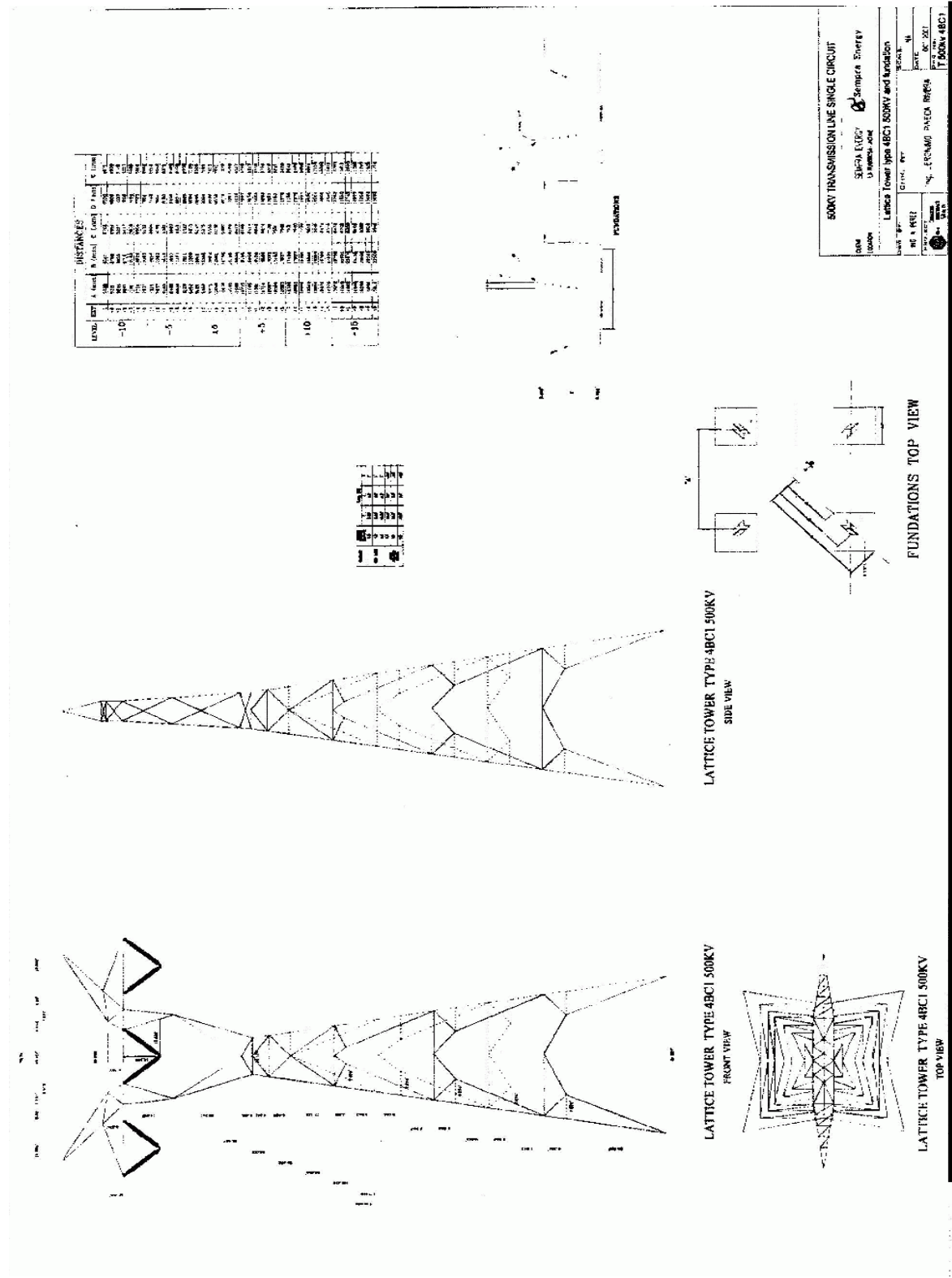
Comment Set B0002, cont.
Boulevard Planning Group

EXHIBIT D1

Typical steel lattice tower (tangent structure)

B0002-111 cont.

Comment Set B0002, cont.
 Boulevard Planning Group



B0002-111 cont.

Comment Set B0002, cont.
Boulevard Planning Group

EXHIBIT D2

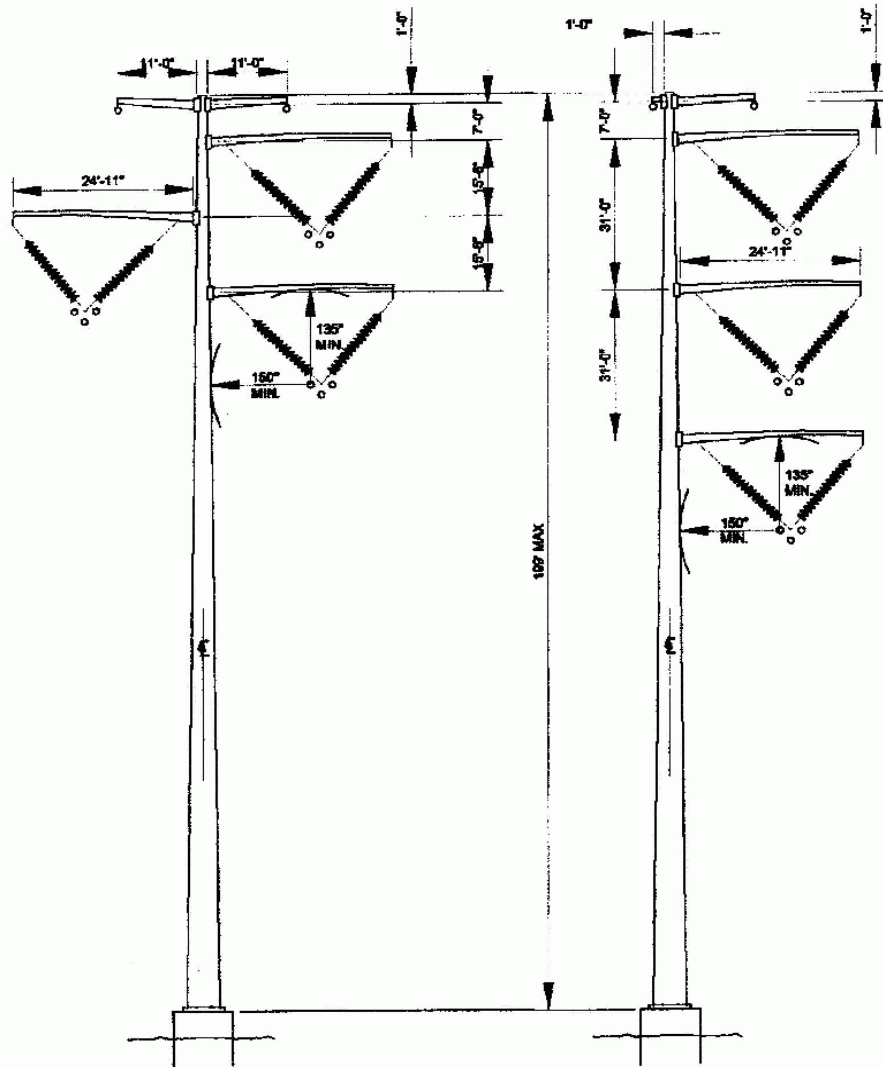
Typical steel monopole (tangent structure - 0 to 2 degrees)

B0002-111 cont.

Comment Set B0002, cont.
Boulevard Planning Group

Tubular Steel Pole Structures Tangent - 2 Degrees

B0002-111 cont.



Comment Set B0002, cont.
Boulevard Planning Group

EXHIBIT D3

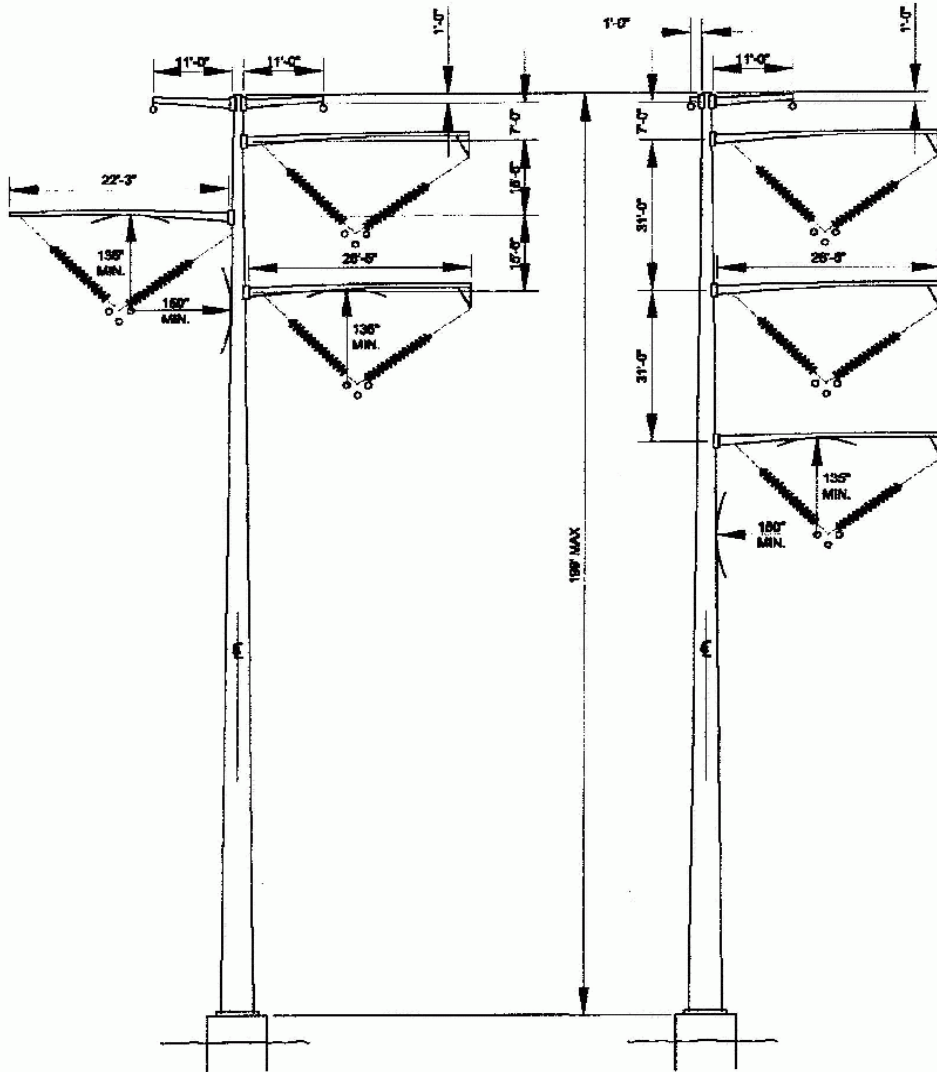
Typical steel monopole (tangent structure - 2 to 8 degrees)

B0002-111 cont.

Comment Set B0002, cont.
Boulevard Planning Group

Tubular Steel Pole Structures Tangent - 2 to 8 Degrees

B0002-111 cont.



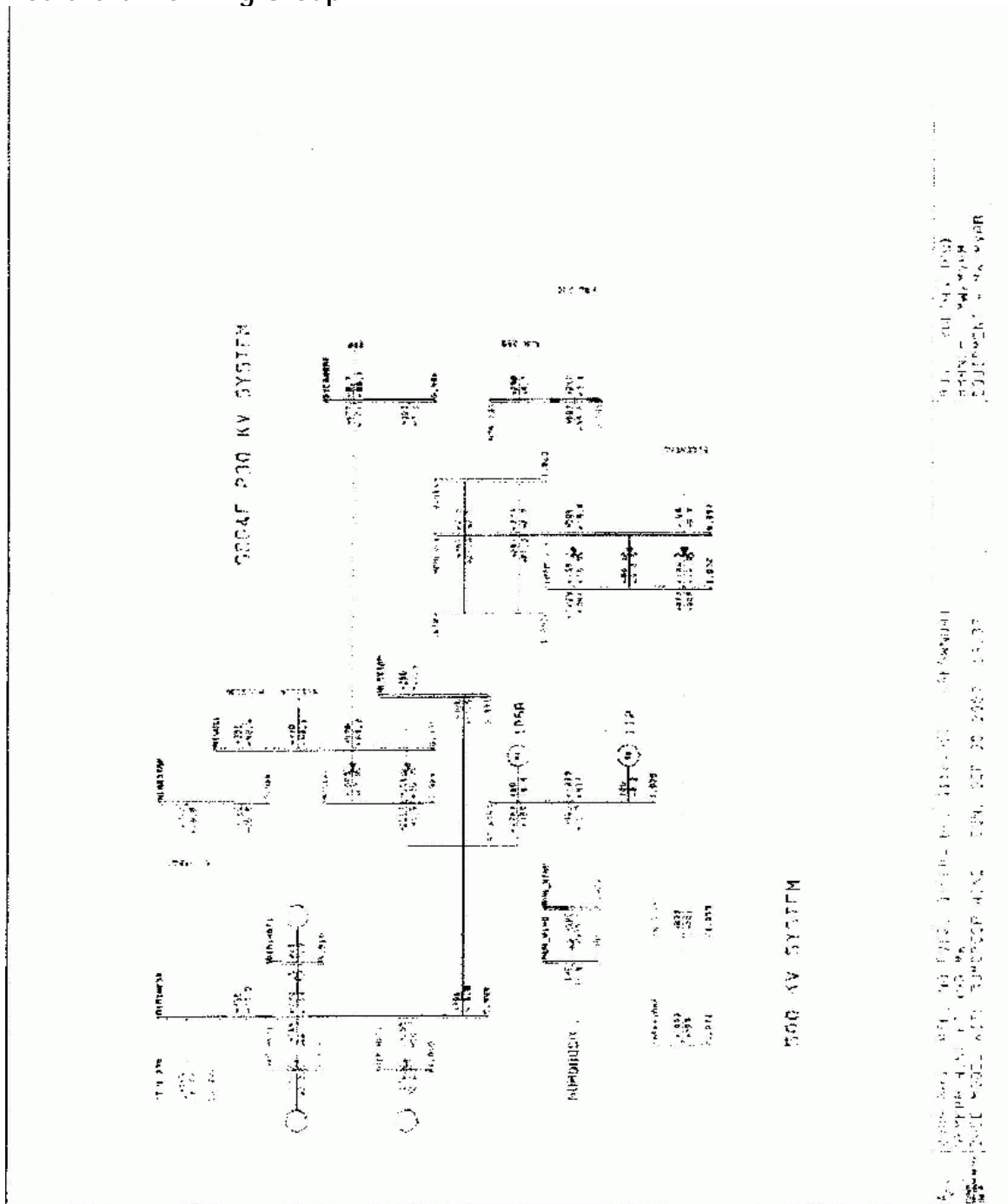
Comment Set B0002, cont.
Boulevard Planning Group

EXHIBIT E

The two attached power flow plots from a WECC 2009 Heavy Summer case depict the interconnection of the La Rumorosa Projects with SWPL and system flows on the interconnected buses and lines with and without the projects. Note that the plots only include 400 MW of the ultimate build-out of the projects. Additional power flow plots corresponding to maximum loading of the proposed transmission line are expected be available 1st quarter 2008 and will be provided to DOE.

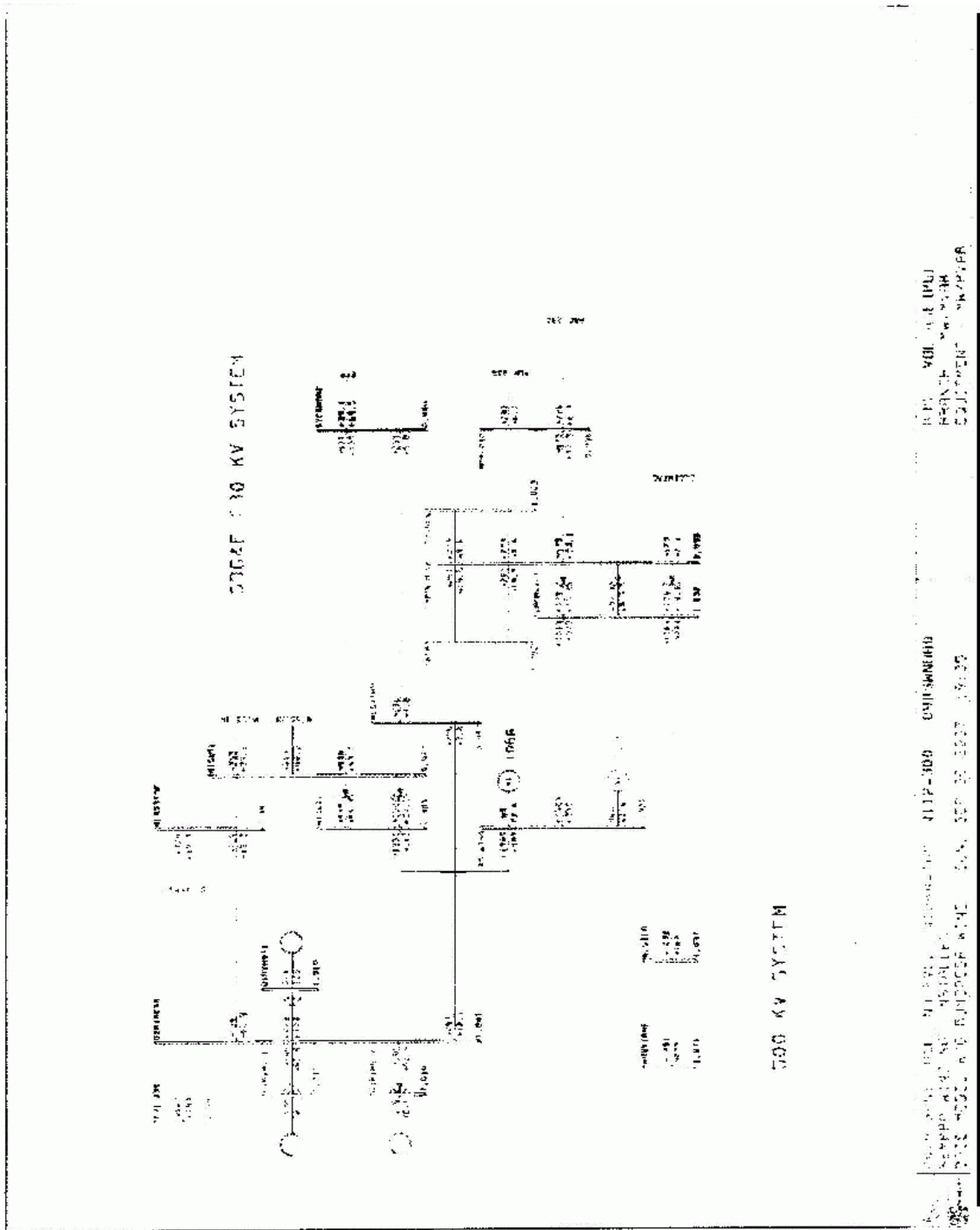
B0002-111 cont.

Comment Set B0002, cont.
 Boulevard Planning Group



B0002-111 cont.

Comment Set B0002, cont.
 Boulevard Planning Group



B0002-111 cont.

Comment Set B0002, cont.
Boulevard Planning Group

EXHIBIT F

Verification

B0002-111 cont.

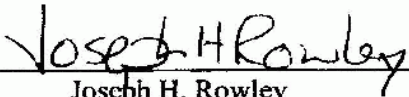
Comment Set B0002, cont.
Boulevard Planning Group



B0002-111 cont.

AFFIDAVIT OF JOSEPH H. ROWLEY – VICE PRESIDENT

The undersigned, Joseph H. Rowley, being first duly sworn, attests that he is the Vice President of Baja Wind U.S. Transmission, LLC, a Delaware limited liability company; that as such he is legally authorized to bind Baja Wind U.S. Transmission, LLC; that he has read the foregoing Application of Baja Wind U.S. Transmission, LLC for a Presidential Permit and knows the contents thereof; and that the facts and representations set forth in the Application are true and correct to the best of his knowledge, information and belief.



Joseph H. Rowley

Subscribed and sworn before me, a Notary Public in and for the State of California, County of San Diego, this 18th day of December, 2007.

Comment Set B0002, cont.
Boulevard Planning Group

B0002-111 cont.

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of San Diego } ss.

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], not Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this

18th day of December, 2007, by
Date Month Year
(1) Joseph H. Rowley
Name of Signer



- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)
(and
- (2) _____
Name of Signer

- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Harper E. Wells
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

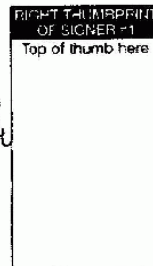
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Application for Presidential Permit w/ Affidavit

Document Date: December 18, 2007 Number of Pages: 29

Signer(s) Other Than Named Above: Kevin Sagara



Comment Set B0002, cont.
Boulevard Planning Group

Baja Wind comments (OE #PP-334) 3/21/08

B0002-112

**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 SEMPRA's cross-border Baja Wind project near Jacumba and La Rumarosa 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 SEMPRA's 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/aspensunrise/sunrise.htm

In that document, a much smaller variation (250 MW) of the current proposed Baja Wind project (1,250 MW) is referred to as Rumarosa Wind Developers. II and the Jacumba Substation. SEMPRA's 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 Rumarosa 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 Rumarosa 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.

Comment Set B0002, cont. Boulevard Planning Group

Baja Wind comments (OE #PP-334) 3/21/08

page 2 of 4

B0002-112 cont.

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 Quino 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 also includes Bighorn Sheep and Quino Checkerspot Habitat, and vernal pools in Baja California Norte in the Sierra Jaurez Mountains. (See attached South Coast Wildlands Linkage tour: Jacumba Mountains to Sierra De Juarez)
- 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. (Eade-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.msccp-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.

page 3 of 4

Comment Set B0002, cont.
Boulevard Planning Group

Baja Wind comments (OE #PP-334) 3/21/08

B0002-112 cont.

- 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 Bajanorte Pipeline crosses Baja Norte east to west in close proximity to La Rumarosa (see attached map from the Gasoducto Bajanorte 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 Route8 and /or Modified RouteD alternative, the West Wide Energy Corridor, other wind energy proposals in the area, as referenced in Semptra's Baja Wind application, and the DEIR/EIS for the Sunrise Powerlink project.

page 4 of 4

- 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?

Comment Set B0002, cont.
Boulevard Planning Group

Baja Wind comments (OE #PP-334) 3/21/08

- How do they feel about the negative impacts on the binational efforts for the Pargue-to-Park?
- What outreach has been conducted on both sides of the US/Mexico border? How in-depth was the project information and where was it made available? Was it done in a timely manner, and in both English and Spanish ?

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, with 4 attachments
Gasoducto Bajanorte map South Coast Wildlands Linkage tour: Jacumba Mountains
to Sierra De Juarez San Diego Union Tribune Article (3-20-08) Local Wilderness
Corridors help

B0002-112 cont.

Comment Set B0002, cont.
Boulevard Planning Group



CENTER for BIOLOGICAL DIVERSITY

B0002-112 cont.

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).¹ 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.

Comment Set B0002, cont. Boulevard Planning Group

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 unlikely to occur unless the STP is approved.³ 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.⁴ 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 projects⁵ and therefore must be analyzed in conjunction with the permit request. Sempra Generation and Cannon have not, according to the DEIS/DEIR, provided the BLM and PUC with the specific location of the wind developments necessary to delivery power under the Baja Wind contract.⁶ 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.⁷ The project is

B0002-112 cont.

² The DEIS/DEIR is found online at

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 Commissioners Ruling (ACR) of July 24, 2007, at page 10. 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."

Comment Set B0002, cont.
Boulevard Planning Group

estimated to require between 750 and 2,125 acres of land.⁸ 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.⁹ 1.7 miles of the ROW would be in the United States,¹⁰ running through critical habitat of the quino checkerspot butterfly.¹¹ A new substation near Jacumba would be constructed to support the project,¹² 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.¹³ In addition, critical species surveys have not been undertaken.¹⁴ Despite the sparse information provided, the BLM and PUC were able to identify significant environment 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.

B0002-112 cont.

**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 those impacts.¹⁵ We refer the

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.

¹⁰ DEIS/DEIR, pages B-129-131.

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.

Comment Set B0002, cont.
Boulevard Planning Group

B0002-112 cont.

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.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.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.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.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.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

¹⁶ DEIS/DEIR pages D.573 – D.5-75.

¹⁷ DEIS/DEIR page D.2-245.

¹⁸ DEIS/DEIR page D.2-249.

¹⁹ DEIS/DEIR page D.2-249.

²⁰ DEIS/DEIR page D.2-250.

Comment Set B0002, cont.
Boulevard Planning Group

B0002-112 cont.

because of the severity of potential habitat loss and are not mitigable to less than significant levels.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.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.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.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.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.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.²⁷

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.

²² DEIS/DEIR page D.2-251.

²³ DEIS/DEIR page D.2-252.

²⁴ DEIS/DEIR pages D.2-252 - 253.

²⁵ DEIS/DEIR page D.2-253.

²⁶ DEIS/DEIR page D.2-254 - 257.

²⁷ DEIS/DEIR page D.2-257-258.

Comment Set B0002, cont.
Boulevard Planning Group

B0002-112 cont.

13. Bat 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.

Comment Set B0002, cont.
Boulevard Planning Group

B0002-112 cont.

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 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 describe 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.

Comment Set B0002, cont. Boulevard Planning Group

B0002-112 cont.

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 fire 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 green house 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

³⁷ Testimony of SDG&E witness Hal Mortier, Chapter 5, page 5.13 of SDG&E's prepared testimony of March 12, 2008.

Comment Set B0002, cont.
Boulevard Planning Group

B0002-112 cont.

- associated with overhead electric lines of all types.³⁸ 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.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*,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.

³⁸ 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 CPSD director Richard Clark on the possible need for fire-safety rule changes. The article is found at http://www.signonsandiego.com/uniontrib/20080210/news_1n10sdge.html

³⁹ DEIS/DEIR pages D.11-53 and D.11-54.

⁴⁰ The guidelines were approved on September 26, 2007, and are found at <http://www.energy.commerce.ca.gov/energyresources/energyresources.htm>

Comment Set B0002, cont.
Boulevard Planning Group

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.

B0002-112 cont.

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
Rick Halsey testimony, March 12, 2008, pages 1-12.

cc: Bill Corcoran, Sierra Club

Ms. Joan Heredia
Permitting Manager
Sempra Global
101 Ash Street
HQ 8B
San Diego, CA 92101