TALKING POINTS – FEBURARY 26, 2008, PPH, RAMONA, CA

COMMISSONER GRUENEICH, JUDGE WEISSMAN,

DIANE CONKLIN, MUSSEY GRADE ROAD ALLIANCE, RAMONA, CA

THANK YOU FOR YOUR TIME. IF SOME OF THIS SOUNDS FAMILIAR FROM THE ALL-PARTY MEETING YESTERDAY, PLEASE FORGIVE ME.

FIRST OFF, I WANT TO COMPLIMENT THE STAFF ON THE DEIR. THE ALLIANCE IS PARTICULARLY PLEASED WITH THE RANKING OF THE ENVIRONMENTALLY SUPERIOR ALTERANTIVES, AS NUMBERS 1 AND 2 – THE NEW IN-AREA ALL SOURCE GENERATION ALTERNATAIVE AND THE NEW IN-AREA RENEWABLE GENERATION ALTERNATIVE

THE EMPHASIS IN THE RANKING OF IN-BASIN GENERATION AND LOCAL RENEWABLES IS THE WAVE OF THE FUTURE. AS RATEPAYERS, WE FINANCE THE ELETRICTY INFRASTRUCTURE, BUT THE INFRASTRUCTURE HAS BEEN CONFINED TO TRANSMISSION. NOW PEOPLE ARE ASKING WHAT IF WE DID SOMETHING DIFFERENT?

THE IDEA OF A NEW WAYS OF DOING THINGS IS IN THE PUBLIC'S MIND AND MEDIA. FOR EXAMPLE, LAST YEAR'S NOVA PROGRAM "SAVED BY THE SUN" STARTS OUT WITH CONVENTIONAL SOLAR TROUGH TECHNOLOGY AND ENDS UP WITH PHOTOVOLTAICS IN PAINT THAT YOU APPLY TO YOUR ROOF.

WE ALSO THANK YOU FOR GIVING STAFF THE EXTRA TIME TO EXPLORE THE ISSUES OF A SECOND SUBSTATION, THE EXPANSION QUESTION, PARTICULARLY TO THE NORTH, AND THE DEVELOPMENT OF RENEWABLES IN IMPERIAL COUNTY -- ALL OF WHICH AFFECT THE ENVIRONMENT.

THE DEIR ALSO ADDDRESSES FIRE IN SOME 300 PAGES, AND WE UNDERSTAND THAT THIS IS THE FIRST TIME THE CPUC HAS ADDRESSED FIRE IN SUCH A COMPREHENSIVE WAY. AS THE MUSSEY GRADE ROAD ALLIANCE BROUGHT THE ISSUE UP TO THE COMMISSION WE ARE, OF COURSE, VERY PLEASED TO SEE THE ISSUE OF WILDLAND CATASTROPHIC FIRES IGNITED BY POWER LINES EXPLORED BY THE COMMISSION.

WHEN THE ALLIANCE SUBMITTED ITS TESTIMONY AND APPENDICES IN MAY LAST YEAR, NO ONE SEEMED TO REALLY THINK THAT THE FIRE ISSUE WAS IMPORTANT. AND I CAN UNDERSTAND THAT BECAUSE IT DOESN'T SEEM TO BE IMPORTANT UNTIL YOU EXPERIENCE IT.

DURING THE FIRESTORMS IN OCTOBER LAST YEAR, WE STAYED IN OUR HOUSE, WHICH WAS SURROUNDED BY THE WITCH CREEK FIRE ON THREE SIDES BEYOND OUR MOUNTAINS. WE STAYED BECAUSE THE SYSTEM MY HUSBAND, WHO IS THE ALLIANCE EXPERT, DR. JOSEPH MITCHELL DEVISED TO PROTECT OUR HOUSE – AND WHICH SAVED IT IN THE CEDAR FIRE -- MUST BE TURNED ON MANUALLY.

WE WERE LUCKY THIS TIME; THE FIRE DID NOT CROSS OVER THE MOUNTAINS – DIFFERENT FROM THE CEDAR FIRE IN 2003. BUT TO EXPERIENCE ANOTHER MASSIVE WILDFIRE 4 SHORT YEARS AFTER THE LAST ONE WAS ABSOLUTELY DEVESTATING. RAMONA WAS HIT HARD IN THE FIRE WITH SOME 400 HOMES DOWN, HUNDREDS OF THOUSDANDS OF LIVES DISRUPTED AND SAN DIEGO COUNTY ACRES SCORCHED. PEOPLE ARE STILL DIGGING OUT OF THE FIRES PHYSICALLY, EMOTIONALLY, FINANCIALLY AND SPIRITUALLY. AND WE ARE AFRAID OF FIRE MORE THAN EVER BEFORE.

WE DIDN'T LEARN UNTIL MID-NOVEMBER THAT THE WITCH CREEK FIRE THAT THREATENED US AND TRAVELED FROM EASTERN RAMONA TO RANCHO SANTA FE WAS STARTED BY SDG&E'S POWERLINES OR THAT THE COMPANY'S POWERLINES STARTED TWO OTHER MAJOR FIRES IN SAN DIEGO COUNTY --- THE GUEJITO IN NEIGHBORING SAN PASQUAL VALLEY AND THE RICE CANYON FIRES.

AS A FOOTNOTE TO THAT FACT, YESTERDAY, WHILE YOU WERE PATIENTLY LISTENING TO OTHERS EXPRESSING THEIR OPININS ON THIS POWER LINE PROJECT AT THE COUNTY ADMINISTRATION BUILDING, MAYOR JERRY SANDERS AND SUPERVISOR GREG COX WERE RELEASING AN "AFTER ACTION" REPORT CONCERNING FIRE LESSONS LEARNED FROM THE SAME BUILDING.

SAN DIEGO'S MAYOR SUPPORTS PUTTING MORE POTENTIAL IGNITION SOURCES IN THE BACKCOUNTRY BECAUSE HE SUPPORTS THIS LINE AND ANNOUNCED HIS SUPPORT SOME 18 MONTHS BEFORE THE RELEASE OF THE DRAFT ENVIRONMENTAL REPORT.

THE NEIGHBORING COMMUNITY OF POWAY WAS RECENTLY REPORTED AS STOCKING UP SUPPLIES FOR THE NEXT FIRE, BUT ITS MAYOR WROTE A GUEST COMMENTARY IN A LOCAL PAPER ON SUNDAY SUPPORTING THE POWER LINE.

THE ENERGY WORKING GROUP OF THE SAN DIEGO ASSOCIATION OF GOVERNMENTS WILL TAKE UP THE POWER LINE ISSUE THIS WEEK ---- WITHOUT ACTIVELY HAVING CONSIDERED OR NOW INCLUDING

DISCUSSION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT DURING ITS DELIBERATIONS.

PERHAPS THESE FOLKS DO NOT YET UNDERSTAND THAT THE ISSUE OF FIRE IS MAJOR TO SAN DIEGANS. AS YOU KNOW, SDG&E HAS GONE TO THE COMMISION TO ASK FOR A RULE TO BE MADE REGARDING FIRE. ALL OF THE STATE'S MAJOR UTILITIES ARE INVOLVED IN THIS EFFORT: SDG&E, SCE, PG&E. THE ALLIANCE SUPPORTED SDG&E'S PETITION, BUT ALSO SUGGESTED A NUMBER OF POINTS THAT SHOULD BE REVIEWED BEFORE ANY RULE IS MADE. WE ARE AWAITING THE JUDGE'S DECISION IN THAT MATTER AS TO WHAT WILL HAPPEN.

AND WE COUNT ON THE COMMISSON TO TAKE INTO CONSIDERATION ALL OF THE RELEVANT FACTORS CONCENING FIRE WHEN LOOKING AT THIS POWER LINE PROJECT.

FINALLY, I WOULD LIKE TO TELL YOU THAT THE CALIFORNIANS I KNOW WANT CALIFORNIS TO MAKE THE DECISION ON THIS POWER LINE APPLICATION. WHILE IT IS UNCLEAR WHAT THREAT SECTION 1221 OF THE 2005 ENERGY ACT POSES TO US, WE WOULD HOPE THAT CALIFORNIA WILL NOT LET WASHINGTON DECIDE WHAT CALIFORNIA SHOULD AND DOES DECIDE. THE NATIONAL INTEREST ELECTRONIC CORRIDOR (NIETC) IS COMPOSED OF 7 SOUTHERN CALIFORNIA COUNTIES – WHICH MAKES NO SENSE TO PEOPLE AT THE GRASSROOTS. BUT WE DO KNOW THAT IF SPL IS APPROVED – ANY ROUTE – IT WILL BE THE FIRST LINE OF MORE LINES PROJECTED IN THE FUTURE. THE EXPANSION IS BROUGHT OUT IN THE DEIR MORE CLEARLY THAN ANYWHERE ELSE WE'VE READ, THOUGH NO ENVIRONMENTAL ANALYSIS HAS BEEN DONE.

THANK YOU, AGAIN, FOR YOUR TIME AND THIS OPPORTUNITY.

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New reports avoid Cal Fire criticism

City, county officials focus on what 'needs to get done'

By Tony Manolatos
UNION-TRIBUNE STAFF WRITER

February 26, 2008

New reports on the October wildfires were compiled to outline what went right and what went wrong.

While the "After Action" reports that city and county officials released yesterday suggest dozens of changes, including more brush clearance, they don't address the performance of the lead firefighting agency.

Cal Fire, which directed ground and air resources across San Diego County, drew stiff criticism, and some politicians and firefighters said taxpayers would be better served by a regional department run by local firefighters.

The reports released yesterday don't address consolidation. That issue, along with Cal Fire's role, is being examined by a committee that is chaired by San Diego Mayor Jerry Sanders and county Supervisor Ron Roberts.

The Regional Fire Protection Committee plans to analyze the reports before making their recommendations by June 30.

"These reports allude to some of the other issues, but they focused on the stuff that needs to get done right away, knowing that we're out there focusing on some bigger issues," Roberts said.

Sanders and county Supervisor Greg Cox released the reports at a news conference at the County Administration Building.

All 39 recommendations listed in the county's report would be implemented within the next year, Cox said. There are no cost estimates, "but we know we can do these in the next 12 months without any major financial problems," he said.

Some of the fixes at the county level are ambitious, including a heavy emphasis on eliminating brush that fuels fires.

"Fuel management works and is the county's best defense against future firestorms," Cox said.

Sanders is pushing brush clearance, too. Last week, the Federal Emergency Management Agency awarded San Diego a $2.4 million grant for brush abatement. Sanders said he plans to match the total in the upcoming budget, giving the city enough money to clear all of its brush in the next two years.

Sanders, who is running for re-election while grappling with a host of city financial problems, said some of the recommendations in the city's report would have to wait.

While the city expects to find the money to operate a second firefighting helicopter, it doesn't have the funds to buy 34 additional fire engines, which is among the report's recommendations.

Fire Chief Tracy Jarman has said a lack of engines was her biggest frustration during the October firestorms, which killed 10 people and destroyed 1,700 homes in the county.

Noting that major firestorms can affect much of Southern California at the same time, both reports cite a need for local firefighters to be able to fight wildfires without outside assistance for the first 48 to 72 hours.

Sanders said at least one of Cal Fire's shortcomings – a lack of spotters aboard military helicopters – is being fixed.

"We will have our own spotters in San Diego," Sanders said.

Former San Diego Fire Chief Jeff Bowman, chairman of a group of volunteers that released its own recommendations last week, pointed out that Sanders' and Roberts' fire protection committee won't release its findings until after the June 4 mayoral primary.

"It's pure politics," Bowman said. "They've decided, 'Let's not do anything until after the election, so we don't get caught in the crossfire.'

"They write these reports and they put them on a shelf. And then they say they have no money. So nothing gets done."

Staff writer Greg Gross contributed to this report.

Tony Manolatos: (619) 542-4559; tony.manolatos@uniontrib.com

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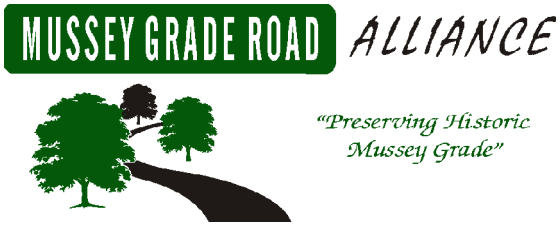

P.O. Box 683
Ramona, CA 92065
(760) 787 - 0794 T
(760) 788 - 5479 F

April 10, 2008 **BY EMAIL**

Ms. Billie Blanchard
California Public Utilities Commission

Ms. Lynda Kastoll
United States Bureau of Land Management

Re: Comments on Draft Environmental Impact Report/Statement in Proceeding A.06-08-010

Dear Ms. Blanchard and Kastoll:

The Mussey Grade Road Alliance has reviewed the extensive DEIR produced by the Commission in this proceeding. We want to compliment the Commission, its consultant Aspen Environmental Group, and the BLM for the thorough work that has been done. We understand that the DEIR is one of the most comprehensive, if not the most comprehensive, written in the history of the Commission.

We truly appreciate the heroic effort that went into the making of this document; we believe that beautiful and biologically diverse San Diego County deserves no less than the fullest exploration of the issues involved in the proposed building of a massive transmission line through the county. We support the order of the environmentally superior recommendations - and particularly non-transmission recommendations Numbers 1 and 2.

Nevertheless, we would be remiss if we did not identify a key missing element in the document: namely, a thorough surveying of the landscape and species of San Diego County in the wake of the 2007 Firestorm. As we have reviewed the document, we see no indication that the Commission undertook a full investigation through field surveys and other tools at the Commission's disposal to assess the ***changed conditions*** of the natural world – in particular in the county's backcountry – following the catastrophic Witch and Harris fires.

Therefore, we believe that this work should be done and that the DEIR should be recirculated after the county has been reassessed. There is no doubt that things have

changed in San Diego County's backcountry as a result of the fires and, specifically, along the proposed route and southern alternative route of the so-called "Sunrise Powerlink" project proposed by San Diego Gas & Electric (SDG&E).

The recirculated document should also contain more information regarding wildland fire; specifically an investigation into the nexus between Santa Ana wind conditions and wildland fire ignitions by power lines should be thoroughly reviewed and discussed. We cannot forget that three of the fires, including the largest fire – Witch Fire – of the 2007 Firestorm in October of last year were caused by power lines[1] and that there is a history of 230 kV power line fire ignitions in the short data collection period of SDG&E (2004 to present).

Finally, we are attaching to this email a copy of Appendix 2E of our Phase 2 Direct Testimony in this proceeding, which contains additional recommendations.

We do not recommend recirculation lightly. However, we realize that the Commission did not have adequate time between the October 2007 fires and the release of the DEIR on January 3, 2008 to do justice to the ***changed conditions*** of the environment of San Diego County. The Commission must not ignore these ***changed conditions***. As you may know and appreciate, the Alliance understands the nature of changes in the environment following a catastrophic fire (Cedar Fire 2003) and the slow recovery following such an event.

Thank you for your consideration.

Sincerely,

/S/ *Diane Conklin*

Diane Conklin
Spokesperson
Mussey Grade Road Alliance

cc: Susan Lee, Aspen Environmental Group

[1] See Cal Fire News Release "October Fire Causes", November 16, 2007.

APPENDIX 2E – DRAFT EIR/EIS

2E-1. Draft EIR/EIS Overview and Commendation

The Draft EIR/EIS for the Sunrise Powerlink Proposal is a 7000 page document representing a tremendous expenditure of high quality talent and effort. Before delving into a critique of this document, it is important to emphasize what the preparers have done correctly. Its thoroughness, which as we understand it is unprecedented for projects of this type, should set a new and we think appropriate standard by which future projects should be analyzed. As this critique will make clear, the tremendous real and potential impacts that would arise from the construction of the Sunrise Powerlink or alternative transmission projects are such that even an EIR/EIS of this scope did not sufficiently address all of them. Some deficiencies were inevitable given the amazing circumstance of the October 2007 fires occurring so close to the deadline for the EIR/EIS submission. We hope that issues arising from the fires are being more closely scrutinized for inclusion in the final EIR/EIS, but we will note their omission in any case.

The draft EIR/EIS contains over 300 pages of analysis related to wildland fire and power lines, and conducts a fire and fuels analysis for every alternative to the project. This is an area that MGRA has offered testimony and argument in throughout these proceedings, and is therefore prepared to judge many aspects of EIR/EIS. We would like to especially commend the CPUC, BLM and preparers on the following aspects of the Draft EIR/EIS:

- Every alternative identified as part of the EIR/EIS was specifically analyzed with respect to wildland fire impacts.

- Field surveys were conducted along the SPL route and all alternatives in order to gauge the fuel load and fire hazard according to sound metrics.

- Worst-case fire spread modeling was performed for each fireshed to determine the potentially impacted areas.

- An analysis of the impact of the project on firefighting along the project route and alternative routes was performed.

- Class I immitigable impacts due to the potential for the transmission line to start fires were determined to be present in most firesheds traversed by the project or alternatives. These results concur with MGRA Phase 1 and Phase 2 direct testimony, which discuss the hazards from transmission lines in great detail.

- Class I immitigable impacts due to the impact of transmission lines on wildland firefighting were determined to be present in most firesheds traversed by the project or alternatives.

- Fire and Fuels Management impacts were used in the weighting that determined the environmentally superior transmission routes.

- Non-transmission alternatives were deemed by the EIR/EIS to be environmentally superior and preferable to additional transmission lines.

- Mitigation in the form of payments by the company to potentially affected homeowners to enable fire-protective measures.

We would like to emphasize that we regard none of these analyses as superfluous or out of scope for a project of this type. As we will show, all of it – and more – needs to be included in the final EIR/EIS.

2E-2. Draft EIR/EIS Material Factual Deficiencies

2E-2.1. *Impacts of expansions are not adequately addressed*

2E-2.1.1. EIR/EIS Sections Affected

Section ES3.1, p. ES-9; Section ES5.8, p. ES-31; Section A.1, p. A-4; Section B.2, p. B-5; Section B.2.7, p. B-23; Section C.5.8.25, p. C-138; Section D.1.2.3, p. D.1-3; Section D.15.3 (Future Transmission System Expansion), p. D.15-147; Section E.X.15.5 (Future Transmission System Expansion for Alternative X); others.

2E-2.1.2. Analysis Performed by the EIR/EIS

The EIR/EIS addresses primarily two expansion scenarios: 1) adding additional 230 kV circuits to the substations used to distribute power from the 500 kV SPL or alternative input and 2) additional 500 kV expansion to interconnect with other service areas. These

possible expansions are mentioned in many places throughout the Draft EIR/EIS, and each project alternative discusses the potential for expansion and what its effect would be.

The topic of expansion of the proposed project has been addressed at the direction of the July 24, 2007 ruling by Commissioner Grueneich, in which she stated that "the Commission must thoughtfully consider how this potential future expansion should be analyzed in the EIR/EIS"[1], and cites and quotes from the case *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1998): "All phases of a project must be considered when evaluating its impact on the environment."[2]

2E-2.1.3. Material Deficiencies of the EIR/EIS

There are two material deficiencies that arise in the analysis of system expansion. Additionally, there are two identifiable classes of system expansion, which are in fact identified as separate concepts in the Draft EIR/EIS: 230 kV expansion and 500 kV interconnection to other transmission networks.

The first material factual deficiency is that the expansion routes do not get the same class of analysis that is performed on the proposed SPL route or its alternatives. The standard analyses – burn probability modeling, fire behavior trend modeling, and wildfire containment conflict modeling – are not explicitly performed on the expansion routes. This does not allow the reader the ability to compare impacts between routes once their potential expansions are taken into account.

The second material factual deficiency is that when the expansion route is identical to the primary transmission route (as is the case in ESNA and the proposed SPL route), the impacts are simply classified as "Class I" and left at that. The problem with this approach is that there is no indication that a route having an expansion line added will have additional risk compared to a route having just the original line. Both are "Class I" before and after the expansion. A more quantitative approach should be adopted generally throughout the Draft EIR/EIS. This issue is discussed in another section.

The lack of full treatment in the Draft EIR/EIS is excused because "approval of the SRPL would not result in automatic approval of the potential future expansions to the SRPL and all future 230 or 500 kV lines would require new applications by SDG&E, followed by preparation of project-level environment documents and separate approvals

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[1] California Public Utilities Commission; Assigned Commissioner's Ruling Addressing Newly Disclosed Environmental Information; A.06-08-010; July 24, 2007; p. 6.

[2] *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d at 396; 14 Cal. Code Regs. Sec. 15126

from the CPUC prior to permitting and construction."[3] However, as per the citation by the Assigned Commissioner, this exemption is not true if any of these expansions can be considered another phase of the project.

As to the potential for 500 kV interconnection and 230 kV expansion, these should be studied and judged separately as to their relation to the project.

230 kV Expansion

For the 230 kV expansions in particular, there is a very strong case to be made that these expansions should be considered "full build-out" of the project and hence need to be fully analyzed within the scope of the EIR/EIS. The 500 kV transmission line that would form the backbone of the SPL transmission infrastructure has twice the capacity of the transmission line that would feed from it at the proposed Central Substation[4]. Adding additional circuits might be possible within 10 years after completion of the primary route. The routes for these additional circuits, if approved, would most likely follow the ROW already disturbed by construction of the SPL or other routes: "From a planning perspective, SDG&E would, to the extent possible, site additional lines in already disturbed corridors using existing ROWs. As a result, at least one or two additional circuits could follow segments of the proposed Sunrise Powerlink 230 kV transmission corridor..."[5]

Fire would not be the only consideration. Visual impacts would be greater with 230 kV build-out, as would other potential impacts under CEQA/NEPA.

The 230 kV expansions are easily foreseeable expansions to the project or its alternatives, and would never themselves occur without the project being in place. Hence, they should be viewed as part of the project and fully analyzed.

500 kV Expansion

In Section B.2.7.2, the exact route for a northern 500 kV interconnection between the Central Substation and the SCE transmission network is laid out. This shows that this expansion is fairly advanced in its planning stage. Furthermore, it cannot occur without the interconnection to SPL at the Central Substation.

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[3] Draft EIR/EIS; Section B.2; p. B-5.

[4] Ibid. The 500 kV line can feed up to four 230 kV circuits. Only two are proposed for the SPL and for alternative routes.

[5] Ibid; Sec. B.2.7.1; p. B-24.

Should this expansion be considered yet another phase of the SPL "grand project" the impacts of this route should also be included in the EIR/EIS.

2E-2.2. *Fire analyses do not allow quantitative route comparison*

2E-2.2.1. EIR/EIS Sections Affected

Section D.15.X (Wildfire Model Results; many instances); Section E.X.15.Y (Wildfire Model Results; many instances); Appendix H (many places); others.

2E-2.2.2. Analysis Performed by the EIR/EIS

The Draft EIR/EIS performs three main modeling analyses for the proposed SPL route and for alternative routes: burn probability modeling, fire behavior trend modeling, and wildfire containment conflict modeling. All of these gauge different aspect of the hazard created by power lines. Two of them in particular – burn probability modeling and wildfire containment conflict modeling – are carried out along the studied route, sometimes based upon physical surveys of the route. A hazard metric is obtained, and the area affected is displayed graphically in a manner that displays the route map and the color-coded hazard metric in a corridor surrounding the proposed route.

2E-2.2.3. Material Factual Deficiencies of the EIR/EIS

While we make no claim as to whether the metrics that were chosen are superior or inferior to other metrics that might have been applied, we do acknowledge that they are thorough, diverse in approach, and based upon field data. However, one thing that they lack is a quantitative approach to the result presentation, particularly for the burn probability modeling and wildfire containment conflict metrics. The results are sometimes presented in tabular form, for example in Table E.1.15-13 (Interestate 8 Alternative Burn Probability Route Summary) and other route summaries for alternatives, these results are presented as percentages, rather than absolute distances. Absolute distances should be presented as well, since these can be used for direct comparison between alternatives.

We have assumed in our Phase 1 and Phase 2 testimony that wildland fire risks are proportional to the length of line that is exposed to flammable vegetation. Hence, one would expect that the Draft EIR/EIS would allow a simple comparison of routes as to their degree of fire hazard. Instead, all are simply lumped into the "Class I" category for comparison in Section H, without quantitative data being presented in any quantitative way. This is a shame, because the approach taken by the preparers would lend itself very well to a comparison of line exposure for different types and severity of hazard. Without this, it becomes difficult for the Commission to correctly differentiate between hazards posed by the various alternatives. Such an analysis should be added to the final EIR/EIS.

2E-2.3. *"Type Conversion" is not adequately addressed*

2E-2.3.1. EIR/EIS Sections Affected

Section D.15; Section D.2 (multiple); Section E.X.15; Section E.X.2.

2E-2.3.2. Analysis Performed by the EIR/EIS

The Draft EIR/EIS gives a detailed definition of type conversion and discusses the sensitivity of San Diego County wildlands to conversion due to fires that occur too frequently. It notes that if the project were to cause a fire, this could cause immitigable impacts to the affected vegetation communities.

2E-2.3.3. Material Factual Deficiencies of the EIR/EIS

Type conversion was noted as an effect in the MGRA Phase 1 Direct Testimony6, and in the MGRA Phase 1 Opening Brief, the MGRA requested that the EIR/EI EIS address the issue of type conversion thoroughly in Recommendations 14-16:

"

14. **A general study in the EIR/EIS of "type conversion" brought on by wildland fire should be conducted for the proposed route and all alternative routes.** The Commission should consider the EIR/EIS acceptable and complete only if it contains a general study of the vulnerability of the environment to "type conversion" in the event of power line induced fire for all areas within ten miles of any proposed route.

15. **A study should be undertaken for the EIR/EIS regarding the historical exposure of lands in San Diego County to "type conversion".** The Commission should consider the EIR/EIS acceptable and complete only if it contains a study of the average historical exposure to lands in San Diego County to type conversion by looking at fire history throughout the county.

16. **A probability study of the loss of multiple habitats due to a potential catastrophic fire event caused by the project should be required for the EIR/EIS and the costs of such an event should**

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[6] MG-1; Appendix H.

> **be calculated and added to the cost of the project.** The EIR/EIS should be deemed acceptable and complete only if it contains an estimate of the probability of loss of multiple habitats due to a large conflagration caused by the project, and that the potential cost impacts be weighted and included in the project's cost estimates."[7]

None of the analyses performed for the proposed SPL route or alternatives have conducted a type conversion study specific to that area. Instead, type conversion is treated as a general impact that could occur as a result of a powerline fire. There are certain areas of recent burn, however (such as the Witch Creek, Harris, Cedar and Paradise fire scars), that will be much more sensitive to type conversion effects for a significant fraction of the lifetime of the proposed or alternative projects. These should be treated specifically, rather than generally, as requested in the MGRA Phase 1 Opening Brief.

2E-2.4. *Impacts of the October 2007 fires are not adequately addressed*

2E-2.4.1. EIR/EIS Sections Affected

Section D.15; Section D.2; Section E.X.15; Section E.X.2.

2E-2.4.2. Analysis Performed by the EIR/EIS

Section D.15 of the Draft EIR/EIS discusses the Witch Fire in a number of places, giving the total size. It also determines what fraction of each fireshed was burned by the Witch Fire. For the Santa Ysabel fireshed, it describes the likely effect of the fire on the local environment: "A large portion (64%) of this fireshed burned during the 2003 Cedar Fire, and the scar was recovering, but the disturbance of the recent Witch Fire is likely to further contribute to a dominant vegetation community of non-native grasses. Table D.15-10 summarizes the vegetation communities present in the Santa Ysabel Fireshed just prior to the fires of 2007."

2E-2.4.3. Material Factual Deficiencies of the EIR/EIS

The statement above regarding the Santa Ysabel fireshed is the only mention made of the potential impact on the October 2007 fires on the biota of any region under study for the SPL route by the Draft EIR/EIS. There is likewise a mention of the size of the

[7] MGRA; Phase 1 Opening Brief; A.06-08-010; p. 8.

Harris fire in Section E.4.15[8]. There is no mention whatsoever of either the Harris or Witch Creek fires in the biological sections of either the SPL route analysis or of any of the alternative routes. Yet, for significant portions of the line, the October 2007 fires may be the determining factor of the ecology of the areas along the route for the coming years – and perhaps permanently. The effect of the October 2007 fires on the proposed and alternative routes is shown in the figure below:

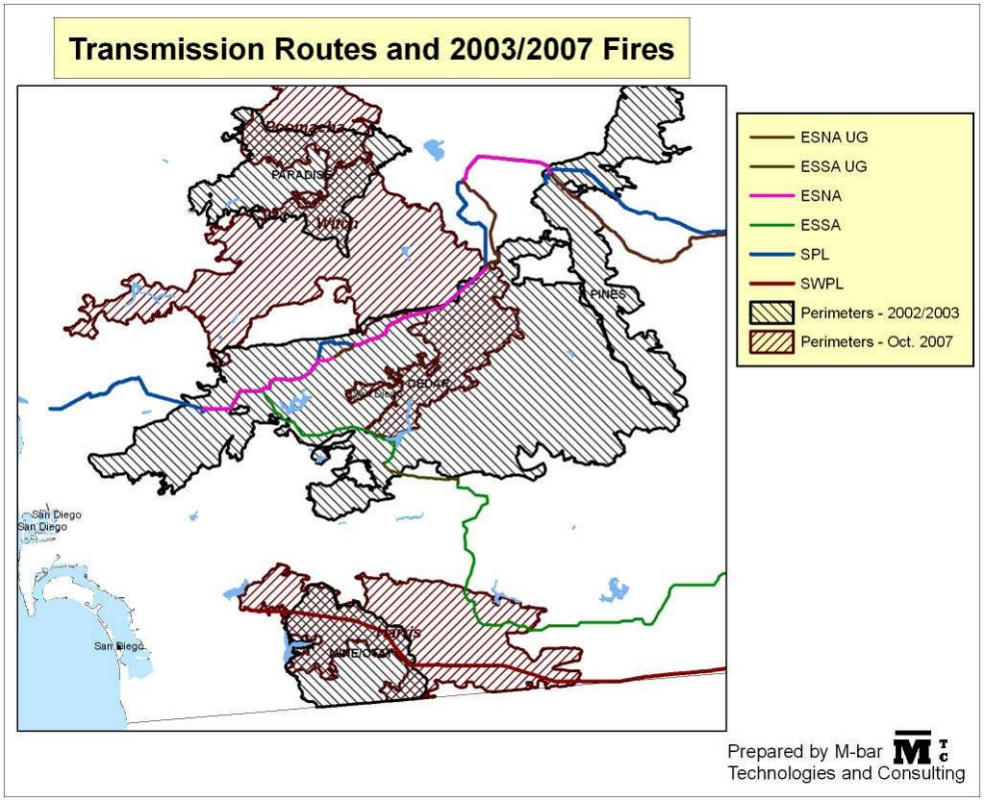

Figure 2E-1 – This figure shows the scars of the October 2007 and October 2003 fires superimposed on the proposed and alternative transmission line routes. The Pines fire from 2002 is also included.

As can be seen above, the proposed and alternative routes pass through large areas burned in either the 2003 or 2007 fires – or both. Areas burned by only one fire are especially prone to type conversion – a process discussed in Appendix H of the Phase 1 testimony and in Appendix 2A of the Phase 2 MGRA testimony, as well as in some detail in the Draft EIR/EIS itself. These areas are highly sensitive to future fires and other types of disturbance, and if their native vegetation is lost this may be a irrevocable loss of California habitat. Those regions burned in both fires are in an even more dire situation,

[8] Draft EIR/EIS; Section E.4.15; pp. 2, 7.

likely to lose their native vegetation forever, and that which remains in a most precarious state. None of this is addressed in the biological studies performed for the Draft EIR/EIS.

The main reason for this material factual deficiency is likely to be time, or lack thereof. The 2007 fires occurred at the end of October 2007, and the Draft EIR/EIS faced a hard deadline put in place by the Commission in January, 2008. However, it makes no sense whatsoever to accept a biological study that does not address current biological reality for significant areas of the routes under study.

Clearly, the only alternative is to conduct additional biological studies of the areas burned in the October 2007 fires and revise the EIR/EIS with this additional information.

Another major issue that should be noted in Figure 2E-1 is the significant extent of the fires. The Witch Creek Fire, asserted by Cal Fire to have been started by a powerline, carried its damage far to the west, re-burning areas burned in the 2003 Paradise Fire and possibly dooming the native ecology in these areas. Clearly, the biological and human impact of power lines can extend far beyond the corridor under study.

2E-2.5. *Vegetation clearance is not sufficient mitigation for structure defense*

2E-2.5.1. EIR/EIS Sections Affected

Section D.15 (multiple); Section E.X.15 (multiple). Mitigation measure F1-e – defensible space grants fund.

2E-2.5.2. Analysis Performed by the EIR/EIS

The Draft EIR/EIS has suggested, as mitigation measure F1-e, the defensible space grants fund, the novel idea that SDG&E pay into a pool of funds that could be used by homeowners in the potentially affected area (determined by the fire behavior modeling study). This payment of $2,000 per year would be used by affected homeowners to create "defensible space" around their homes.

Adequate vegetation clearance is an essential part of structure survivability during wildland fires. Therefore, a program such as this would be expected to save structures – even from the more numerous fires *not* started by power lines. Hence from a probability standpoint, this measure could create a situation where the probability of the power line fire burning a structure is less than the probability that a structure would be saved from a wildland fire by the mitigation, thus creating a net societal benefit.

2E-2.5.3. Material Factual Deficiencies of the EIR/EIS

Unfortunately, this mitigation measure would not shield SDG&E, its ratepayers, the public, or the environment from the effects of wildland fires. Additionally, the type of protection offered is too narrow to offer adequate protection against wildland fires for those homeowners who would be eligible for the program.

The primary problem with a program such as this one is the tremendous size of catastrophic wildland fires. Take for instance, the extent of the Witch Fire of 2007, shown in Figure 2E-1. The distance from the origin of the fire east of Ramona to its western terminus near Del Mar is roughly 29 miles. Along its north/south axis, its maximum extent is 23 miles. This perimeter is much larger than those considered in the Draft EIR/EIS, and contains a substantial number of homes that would not be considered for mitigation. Clearly, it is not possible to protect all homeowners in the areas potentially affected by power line fires.

Citizens who lose their homes or businesses in fires started by powerlines, as well as insurers, can seek to gain redress from the utility if it is shown to be at fault. This process is already underway in the Witch Fire. Hence, even if the utility were to make payments to a mitigation fund that ended up saving more homes overall than were lost in the fire, it could still be liable for property damage due to the fire.

Furthermore, the type of mitigation being offered – payment into a "defensible space" fund – is not adequate to protect homes and could lead to a false sense of security. While adequate vegetation clearance is necessary to protect structures from radiant heat and flame, several scientific studies have shown that it is only one factor in structure survival during wildland fires[9,10,11]. These show that the mass transport of embers during catastrophic fires and their penetration into structures is responsible for the majority of home losses in catastrophic wildland fires. Because embers (firebrands) are transported great distances by strong winds, "defensible space" is not an adequate solution. Only measures that prevent ember (or firebrand) ignitions are effective in protecting homes[12,13,14]. Excessive reliance on "defensible space" may lead to a false sense of security on the part of homeowners.

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[9] Ramsay, G.C., McArthur, N.A. & Dowling, V.P.; Preliminary results from an examination of house survival in the 16 February 1983 bushfires in Australia; Fire and Materials, 11 (1987) 49.

[10] FOOTE, E.I.D.; 1994; Structure survival on the 1990 Santa Barbara "Paint" fire: A retrospective study of urban-wildland interface fire hazard mitigation factors. MS thesis, University of California at Berkeley.

[11] Cohen, Jack D. 2000. Preventing disaster: home ignitability in the wildland-urban interface. Journal of Forestry 98(3): 15-21.

[12] Mitchell, Joseph W.; Wind-enabled ember dousing; Fire Safety Journal; Volume 41, Issue 6, September 2006, Pages 444-458.

An improvement to the suggested mitigation measure would allow homeowners to use the fund not only for vegetation management, but also for structural modifications or other protective measures that would reduce the risk of firebrand ignitions in the event of a wildland fire.

2E-2.6. *There is no treatment of wind conditions*

2E-2.6.1. EIR/EIS Sections Affected

Section D.15.

2E-2.6.2. Analysis Performed by the EIR/EIS

Wind and its relation to fire growth is discussed as part of the Fire & Fuels segment.

2E-2.6.3. Material Factual Deficiencies of the EIR/EIS

In the MGRA brief, recommendations 11 to 13 deal with the necessity of handling wind and its relation to wildland fire[15]. In particular, it requested that Santa Ana conditions be analyzed for the area under study using both best-available weather modeling and also the data from local weather stations.

None of this analysis was performed. Only SDG&E, in its response to MGRA data request number six[16], provides any weather analysis data at all. This has effectively gone unchallenged and unexamined by the Commission, but it is of critical importance for the safety of the public.

As has been pointed out explicitly in the MGRA Phase 1 testimony, winds are a critical element in the creation of power line faults and the rapid growth of catastrophic wildland fires. Local topology is one key factor that affects the wind intensity. This makes it a crucial part of the Draft EIR/EIS Fuels Management study. A wind analysis

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[13] Mitchell, Joseph W. and Oren Patashnik; Firebrand Protection as the Key Design Element for Structure Survival during Catastrophic Wildland Fires; Fire and Materials 2007, San Francisco, Jan. 2007. Available at: http://www.mbartek.com/FM07_FirebrandsWildfires_1.1F.pdf

[14] Mitchell, Joseph W.; Brand Dilution; Wildfire Magazine, March, 2005. Available at: http://wildfiremag.com/wui/brand_dilution/

[15] MGRA Phase 1 Opening Brief; pp. 7-8.

[16] SDG&E; Response to MGRA Data Request #6. http://www.sdge.com/sunrisepowerlink/discovery.shtml

that takes into account local conditions, using both modeling and local weather station data, should be performed as part of the final EIR/EIS.

2E-3. Draft EIR/EIS Material Factual Inaccuracies

2E-3.1. *Ignitions due to component failure or wind are discounted*

2E-3.1.1. EIR/EIS Sections Affected

Section D.15

2E-3.1.2. Analysis Performed by the EIR/EIS

An overview of power line fires is given in which it is stated that: "There is a public perception that all power lines can be a direct cause of wildfire ignitions, but power line-caused fires are much more prevalent for distribution and lower-voltage transmission lines compared with higher-voltage transmission lines such as the Proposed Project."[17] Also, "The primary ignition threats associated with higher-voltage transmission lines like the Proposed Project are indirect, consisting of human-caused accidents during construction and maintenance activities and as a result of increased access to wildlands."[18]

2E-3.1.3. Material Factual Inaccuracy of the EIR/EIS

The testimony given in Appendix 2D of this testimony contradicts this claim, which is based upon the supposedly superior engineering characteristics of high voltage transmission lines, rather than in any quantitative study of fire rates. The problem with the approach taken by the Draft EIR/EIS (and by SDG&E in their equivalent statements regarding the line) is that it ignores the fact the defects in design, engineering, manufacturing, construction, or due to improper or inadequate maintenance can cause failures. The SDG&E network is tremendously large and complex, and consists of a huge number of individual components, many of which could be the cause of a fire were they to fail mechanically or electrically.

Automatic fault detection and shut-off requires that the fault occur before the shut-off can take place, which can take between 1/60 and 3/60 of a second. A 900 MVA transmission line that was fully discharged could deliver 15 to 45 MJoules of energy in

[17] Draft EIR/EIS; Section D.15; p. 15-3.

[18] Ibid.; p. 15-4.

the time it takes to shut it off – the equivalent of 7.5 pounds (to 22 pounds) of TNT[19]. While full discharge might not be likely, a serious failure on a 230 kV or 500 kV line could release significant heat energy and create fragments capable of igniting vegetation in the time it takes to de-energize the line.

Engineering considerations aside, the fact that 230 kV lines have started two fires due to component failure and wind problems during the last two years means that undeniably this sort of thing *can and does* happen. Furthermore, the calculations put forward in Appendix 2D demonstrate that there is no measurably significant difference between the fire rates for 69 kV and 230 kV transmission lines.

It would be proper to either mention this fact in the Draft EIR/EIS, or to remove the assertion that the primary expected cause of fires due to the lines are expected to be due to construction and human access, with the implication that the lines left to themselves are relatively safe. This is an extremely important point, because fires due to line faults in high winds are over ten times[20] more likely to develop into large fires than fires started by construction (which can be curtailed during red-flag warning days) and access by people along service roads. MGRA's extreme concern regarding power line fires is focused on the issue of catastrophic fires and wind-initiated faults or failures.

2E-3.2. ***Surveys will be biased due to reductions in vegetation due to recent fires***

2E-3.2.1. EIR/EIS Sections Affected

Section D.15(burn probability modeling); Section E.X.15(burn probability modeling).

2E-3.2.2. Analysis Performed by the EIR/EIS

The burn probability models were constructed based upon site surveys as described in Appendix 3 of the Draft EIR/EIS[21]. This was then used to construct burn probability

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[19] We use 4.6 MJ/kg for the specific combustion energy of TNT. It is usually improper to use explosives for energy comparisons, since they actually contain less energy per unit weight than other common substances such as fat (38 MJ/kg). Their destructive power is due to deflagration, or the near instantaneous release of energy. Similarly, a full discharge of 15 MJ within 1/60th of a second could be considered explosive, so we feel comfortable making the comparison.

[20] This can be derived from MG-1; MGRA Phase 1 Direct Testimony; Appendix F. The success of firefighting initial attack is generally 98%. This drops to 64% when there are severe winds near the fire's point of origin. The ratio of failed initial attack is 36% / 2% is 18 times.

[21] Draft EIR/EIS; Appendix 3, attachments 3A and 3B.

models, and these were applied to the various routes, and burn probability maps were created for all routes that were evaluated.

2E-3.2.3. Material Factual Inaccuracy of the EIR/EIS

While this appears to be a sound methodology for gauging the state of current vegetation, it is not adequate for gauging the state of future vegetation if the area has recently been burned. This was a major issue raised in the MGRA Phase 1 direct testimony – that the areas burned in the 2002 and 2003 fires if measured now would show fuel loads that were significantly less than the typical load that would be expected during the SPL lifetime[22]. This was confirmed by SDG&E's witness Hal Mortier during cross-examination[23].

This same bias would be expected to appear in the site surveys performed by the Draft EIR/EIS. This should be adjusted for, and maps regenerated for areas of the route affected by recent fires. If this has already been taken into account in the "burn probability maps", then the exact method used to adjust for the bias should be stated in the final draft.

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[22] MG-1; Appendix D; Section 2.1.5; p. 10.

[23] Cross Examination of witness Mortier; Public Utilities Commission, State of California; A0608010; July 17, 2007; p.1007.
Exhibit MG – 10; CDF Fire Threat - Pre-Cedar (2003)/Pines(2002) Fires;
Exhibit MG – 11; CDF Fire Threat - Post Cedar (2003)/Pines (2002) Fires;
Exhibit MG – 12; CDF Fire 2003 - Pre-Cedar/Pines Enlarged "Sunrise" Northern Loop

CAL FIRE NEWS RELEASE

California Department of Forestry and Fire Protection

San Diego Unit

CONTACT: (619) 590-3160

RELEASE DATE: November 16, 2007

October Fire Causes

San Diego County – Investigators for CAL FIRE have released the following causes for the rash of wind driven fires that started between October 21st and October 23rd.

The Harris Fire cause is undetermined. The Harris Fire burned 90,440 acres, destroyed 548 structures, valued at over $28 million, costing taxpayers $21 million in suppression costs. There were eight civilian fatalities and 40 firefighter injuries.

The Witch, Guejito and Rice Fires were determined to be caused by powerlines. The Witch Fire burned 197,990 acres, destroyed 1,650 structures, valued at over $236 million, costing taxpayers $18 million in suppression costs. There were two civilian fatalities, 40 firefighters injured. The Witch Fire burned together with the Guejito Fire. The Rice Fire burned 9,472 acres, destroyed 248 structures, valued at over $30 million, costing taxpayers $6.5 million in suppression costs. There were six firefighters injured.

The Poomacha Fire was started by a structure fire, which spread into the brush. The cause of the structure fire is undetermined. The Poomacha Fire burned 49,410 acres and destroyed 217 structures, valued at over $5 million. Suppression costs totaled $21 million for the Poomacha Fire. There were injuries to 15 firefighters.

The Witch Fire is the second largest in San Diego County history, the Harris Fire is the fifth largest and the Poomacha Fire is the twelfth largest county. The 2003 Cedar Fire remains the largest fire in County history as well as California history.

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