

Comment Set A0019 La Jolla Band of Luiseño Indians

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LA JOLLA BAND OF LUISEÑO INDIANS

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April 9, 2008

CPUC/BLM
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Subject: Recirculation of DEIR Is Necessary to Include Detailed Environmental Analysis of 500 kV Corridor Along Highway 76 between Sunrise Powerlink and LEAPS

Dear CPUC/BLM:

The La Jolla Tribal Council supports the Commission's determination in the DEIR that non-wire alternatives that rely on in-area generation to meet the area's electricity needs are superior to any transmission line alternative. However, there are several other issues we would like to raise.

We recently became aware that Sempra/SDG&E have been actively seeking U.S. Department of Energy (DOE) assistance for the last two-and-a-half years to site an extension of the proposed Sunrise Powerlink 500 kV transmission line along Highway 76 with the goal of tying-in the 500 kV line with the Southern California Edison (SCE) transmission grid that serves the greater Los Angeles area.¹ According to the DEIR, the route of this 500 kV line will follow existing 69 kV transmission corridors through the La Jolla reservation and adjacent to the Rincon and Pala reservations. SDG&E has held no meetings with the tribes that would be affected and has not informed any of the tribal leaders of these tribes that a major transmission line project is imminent, despite active lobbying of the DOE by Sempra/SDG&E for more than two years for assistance in placing the line through Indian lands along Highway 76. This is totally unacceptable. The DEIR must be recirculated to include a detailed environmental analysis of the impact of placing a 500 kV transmission line through or near these lands along Highway 76, and to propose measures to mitigate the impact of this line.

A0019-1

¹ Sempra comment letter to DOE, November 28, 2005. SDG&E comment letter to DOE, March 6, 2006.

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A transmission line of this size and scope passing along Highway 76 directly through the La Jolla Indian Reservation would have grave impacts on the cultural resources of the La Jolla Indian Reservation and on the quality of life of residents. It would also greatly affect the future economic development of the tribe. These impacts have not been studied in the DEIR. This is totally unacceptable. The DEIR must be recirculated to include a detailed cultural assessment of the proposed route. SDG&E also has not approached the affected tribes to negotiate right-of-way agreements for the proposed transmission lines. Additionally, the Bureau of Indian Affairs (BIA) was not invited to be a cooperating agency in the creation of the DEIR which is a required element of the process when proposing to transverse tribal lands. The DEIR must be recirculated to include the BIA as a cooperating agency.

A0019-1 cont.

A. Detailed Analysis of the Full Loop Route Through Indian Lands Along Highway 76 Must be Included in the DEIR

A0019-2

SDG&E calls the line that will pass through Indian lands the "Full Loop," as construction of the line would complete a 500 kV full loop transmission line through Southern California. The SDG&E Aug. 4, 2006 application to the Commission describes the general route of the Full Loop (p. VI-13): *"Of the Full Loop alternatives originating at Imperial Valley, the best-performing Full Loop alternative went from Imperial Valley to a new "Central" Substation to a new substation in SCE's territory between the Serrano and Valley Substations. This alternative also had the advantage of combining the Sunrise Powerlink (Imperial Valley – Central 500 kV) with the LEAPS transmission."*²

The Lake Elsinor Advanced Pump Storage (LEAPS) line is a second proposed 500 kV transmission project that would connect a substation on the northern perimeter of Camp Pendleton to the SCE grid. An existing 230 kV corridor that passes by the western border of the Pala reservation would be a component of the LEAPS project. A combination of 500 kV Sunrise Powerlink and the 500 kV LEAPS transmission line is presented by SDG&E as the Full Loop option in the application.

Under "Future Transmission System Expansion," the DEIR describes the exact route of the expected 500 kV interconnection between the proposed Sunrise Powerlink Central substation and LEAPS, stating (DEIR, p. B-31): *"The potential future 500 kV circuit would exit the proposed Central East Substation, running northwest to parallel the existing 69 kV line past the Warners Substation. It would then follow the existing Warners-Rincon 69 kV transmission line past Lake Henshaw, hugging the lake's northern banks until it would meet SR76. The route would continue to follow the existing 69 kV line and generally following SR76 for approximately 12 miles to Rincon Substation. From Rincon, the route would continue west along the existing Rincon-Lilac 69 kV transmission line for approximately 9.5 miles across Valley Center and meet the existing Talega-Escondido 230 kV transmission line west of Lilac Substation. The route would parallel the existing 230 kV line north for approximately 13 miles, turning west with the existing corridor near the community of Rainbow. After*

² The complete Full Loop route map is shown in Figure B-12b of the DEIR/EIS at:
<http://www.sdg-e.com/Environment/info/section/sunrise/deir/EIS/FigureB12bR>

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another 16 miles, the potential future route would be between the northern boundary of Camp Pendleton Marine Corps Base and Cleveland National Forest, still following the Talega-Escondido corridor."

A0019-2 cont.

SDG&E's makes clear in its comments on the DEIR that the whole point of its preferred SPL route is to enable the completion of the Full Loop. SDG&E states this explicitly in its March 12, 2008 Phase II testimony on the DEIR, stating (Chapter 1, p. 1-12, 1-13): *"But inexplicably, the DEIR did not treat expandability as a project objective. SDG&E's Phase 1 testimony shows how the Sunrise Proposed Route can facilitate future system expansion, but that a southern route does not (footnote 15). SDG&E's Phase 1 evidence shows that (1) the Sunrise Proposed Route offers the potential of future interconnection to SCE at 500 kV or 230 kV; (2) the new Central substation design provides for future additional circuits and transformers at 500 and/or 230 kV; and (3) other routes or alternatives under consideration do not offer the future expandability potential of the Proposed Route."*

The DEIR offers no opinion on when the completion of the Full Loop might occur and provides no analysis of the environmental impacts of linking the proposed Sunrise Powerlink project with the LEAPS project to complete the Full Loop, despite the DEIR describing the exact route of the Full Loop through Indian lands along Highway 76, SDG&E's explicit intent to complete the Full Loop, and Sempra's Energy request for DOE assistance to place transmission through Indian lands along Highway 76, and SDG&E's most recent assertion that the whole point of the Sunrise Powerlink is to complete the Full Loop.³ This is an unacceptable omission in the DEIR.

It is reasonably foreseeable that SDG&E will move to gain approval to complete the Full Loop as soon as Commission approval is secured for the Sunrise Powerlink. SDG&E cites the Garamendi Principle as a primary criterion in selecting proposal transmission routes.⁴ The Garamendi Principle calls for siting new transmission lines in existing active transmission corridors before developing new corridors. The time to study the impacts on the Warners-Rincon 69 kV and Rincon-Lilac 69 kV corridors is now, when the route of the Sunrise Powerlink is not yet finalized. If the impacts on these 69 kV corridors are high and cannot be mitigated, this information could have a material impact on the final route of the Sunrise Powerlink. There may be little option other than forcing the tribe(s) to absorb the impacts if this information is not available until after the Sunrise Powerlink is built along SDG&E's preferred route.

B. DEIR Must Analyze Expansion of Sunrise Powerlink Along 230 kV Corridor through La Jolla and Rincon Lands

A0019-3

The DEIR also describes the near-term (within the next ten years) expansion of the proposed Sunrise Powerlink project by the addition of one or two 230 kV circuits from the Central East Substation to either the Sycamore Canyon Substation or

³ SDG&E, A.06-08-010 Phase II Testimony – Chapter 6: SDG&E's Enhanced Northern Route, p. 25. *"If future 500 kV and 230 kV circuits cannot not be built due to the location of the substation and route constraints, then one of the objectives of the Sunrise Powerlink, "expandability" would not be met. It hardly makes sense from a CAISO ratepayers' perspective to select southern routes if the future expansion of those route are infeasible."*

⁴ Ibid, p. 6.30. *"Additionally, SDG&E continued to follow one of the primary environmental criteria for routing any transmission line, namely the use of the Garamendi Principles, which encourage always using or*

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La Jolla Band of Luiseño Indians**

Chicarita Substation in the San Diego area (DEIR, Figure B-1, p. B-3). The northern 230 kV alternative would follow 69 kV corridors through the La Jolla and Rincon reservations to the Chicarita Canyon substation. The DEIR includes no environmental assessment of the 230 kV expansion route through La Jolla and Rincon lands.

A0019-3 cont.

SDG&E has opposed the southern route alternatives to the proposed Sunrise Powerlink route primarily on the basis that collocating transmission lines would result in less reliability than running the lines along distinct and separate corridors).⁵ It is therefore reasonable to assume that SDG&E will prefer the La Jolla and Rincon reservation 69 kV corridors for the 230 kV expansion from the proposed Central East Substation to the Chicarita Substation. There is no analysis of the environmental impacts of this 230 kV expansion in the DEIR, despite the reasonable probability of this 230 kV expansion project through La Jolla and Rincon lands in the near-term.

C. Conclusion – DEIR Must be Recirculated to Address Omissions

The DEIR must be recirculated to include the BIA as a cooperating agency and to include a detailed environmental assessment, including an assessment of alternative routes and mitigation measures, of 1) the 500 kV Full Loop segment that SDG&E will build to link the Central East Substation to the LEAPS transmission line, and 2) the 230 kV expansion to SDG&E's preferred project that starts at the Central East Substation, passes through La Jolla and Rincon lands along existing 69 kV corridors, and terminates at the Chicarita Substation. Additionally the La Jolla Band of Luiseño Indians, as well as other affected federally recognized Indian tribes, as sovereign nations, should be properly contacted to initiate a formal government to government consultation process.

A0019-4

We look forward to your prompt response to this comment letter.

Signed,


Tracy Lee Nelson
La Jolla Tribal Chairman

⁵ Ibid, 6.19. "Because the Southern route is adjacent to SWPL (existing 500 kV Southwest Powerlink) for a much longer distance than the Proposed Route, the exposure of the Southern route to natural disasters that have the potential to simultaneously take out both the proposed and existing 500 kV line is greater for the Southern route."

**Comment Set A0019, cont.
La Jolla Band of Luiseño Indians**

cc:

Governor Arnold Schwarzenegger
Lt. Gov. John Garamendi
Attorney General Jerry Brown
State Senator Christine Kehoe
State Senator Denise Ducheny
State Senator Dennis Hollingsworth
Assemblymember Lloyd Levine
Assemblymember Lori Saldana
Assemblymember Mary Salas
Assemblymember Joel Anderson
City of San Diego Mayor Jerry Sanders
SANDAG Executive Director

US Secretary of Energy
US Secretary of Interior
US Senator Dianne Feinstein
US Senator Barbara Boxer
US Congressman Duncan Hunter
US Congressman Bob Filner
US Congresswoman Susan Davis
US Congressman Darrell Issa
US Congressman Brian Bilbray
BIA Regional Superintendent

Responses to Comment Set A0019
La Jolla Band of Luiseño Indians

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| A0019-1 | Please refer to Response to Comment A0015-1. |
| A0019-2 | Please refer to Response to Comment A0015-2. |
| A0019-3 | Please refer to Response to Comment A0015-3. |
| A0019-4 | Please refer to Response to Comment A0015-4. |

Comment Set A0020 Imperial County Board of Supervisors

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April 8, 2008

CPUC/BLM
C/O Aspen Environmental
235 Montgomery Street, Suite 935
San Francisco, CA 94104

RE: Sunrise Powerlink Transmission Project

To whom it may concern:

On behalf of the Imperial County Board of Supervisors, I am writing today to express our support for the proposed Sunrise Powerlink transmission project. Specifically, the County supports the construction of new transmission along either of the Alternative 4, Southern Route (SWPL), or the SDG&E Proposed Project configurations. This letter will also address our comments regarding the Sunrise Powerlink Draft Environmental Impact Report/Environmental Impact Statement (DEIR).

A0020-1

The County is strongly opposed to Alternatives 1 and 2 in the Sunrise Powerlink DEIR, as these alternatives fail to recognize the critical importance of building new electric transmission infrastructure to utilize the vast resources of renewable energy within the Imperial County. Furthermore, they do not meet the Sunrise Powerlink project objectives and are contradictory to the clean energy policies set forth by the State of California.

The Lake Elsinore Advanced Pumped Storage project and the related Talega-Escondido/Valley-Serrano transmission line outlined in Alternatives 3 and 7 are not viable replacements for the Sunrise Powerlink since neither alternative provides access to clean, renewable energy to meet the needs of the San Diego region. Nor do these alternatives provide access to the vast amounts of renewable energy resources located in Imperial County, which is a critical concern to our Board.

Imperial County has the potential to become the renewable energy capital of the United States, and given the diversity of our renewable resource mix that includes wind, solar, and geothermal power, we are uniquely positioned to help California achieve its vision for a cleaner and greener energy future. The fact is Imperial County is already home to a thriving geothermal industry that produces 550 megawatts for California, with current projects underway to expand that production. The Imperial Valley Study Group estimates there are at least 2,000 additional megawatts of geothermal power that has yet to be tapped.

A0020-2

Additionally, the potential for solar energy development in the Imperial Valley is greater than the vast potential from geothermal. The California Energy Commission (CEC) estimates that there is more than 30,000 megawatts of solar energy potential in the Imperial Valley.

Comment Set A0020, cont. Imperial County Board of Supervisors

The development of renewable energy in the Imperial Valley has immense capabilities to help achieve the California requirement that Investor-Owned Utilities derive 20 percent of their energy supplies from renewable energy sources by 2010. Some municipal utilities have adopted similar standards. Furthermore, AB 32 requires significant reduction in greenhouse gas emissions that cannot be achieved without a drastic reduction in the state's dependence on fossil fuel generation. To meet these tough clean energy mandates, California utilities must have new transmission capacity to reach the green power supplies in Imperial County. The CEC concludes in its 2006 IEPR Update, that the lack of transmission lines connecting Imperial County to California load centers is a primary impediment to meeting the state's Renewable Portfolio Standard.

A0020-2 cont.

The Imperial County Board of Supervisors has evaluated of the potential transmission projects that have been proposed to interconnect Imperial County to the California and Arizona transmission grids. The County supports all viable transmission projects that will export renewable energy generation as long as they are built in a responsible manner.

A0020-3

The County commends the Imperial Irrigation District (IID) for taking a leadership role in making improvements to its local transmission grid. It is recognized there is significant value in the IID electric grid in order to meet the need for renewable energy generators to utilize the IID system to interconnect to new high voltage transmission lines that will export renewable energy to neighboring load centers. The IID transmission expansion plans, including the Green Path North and Midway-Bannister lines, will ensure a reliable delivery system and protect the interests of IID customers. These IID projects complement, but will not replace the need for the Sunrise Powerlink.

IID has filed comments with CPUC, and has made it clear to the County, that the SDG&E Alternative poses a risk of facilitating the "bypass" of IID's transmission system. Their concern is that existing and proposed renewable energy generators may decide to interconnect directly into a new transmission line, thereby depriving IID and its ratepayers of significant revenues. Given IID's commitment to develop new transmission projects, and their reliance on additional revenues to support said projects, Imperial County will actively oppose any effort to unnecessarily bypass IID's grid. Furthermore, IID's planned transmission improvements will eliminate or significantly reduce the likelihood that the geothermal energy potential in Imperial County would be designated as a "constrained resource."

A0020-4

After careful review that included discussions with the IID and SDG&E, community organizations, and two public meetings, the County of Imperial has concluded the Sunrise Powerlink is needed to export renewable energy to San Diego. The Sunrise Powerlink is critical to deliver the electricity supplies generated by green energy developers in Imperial County to SDG&E customers. Failure to approve and construct the Sunrise Powerlink would put several CPUC-approved renewable power contracts and the proposed projects in jeopardy.

A0020-5

Imperial County is counting on the expansion of the renewable energy industry in our region to provide new jobs, higher wages, economic development opportunities and a larger tax base to fund the vital services our constituents need and deserve. Projects like Stirling Energy Systems Solar Two alone would have a tremendous positive impact on the Imperial County. It will initiate an industry in the Imperial County that will be second only to agriculture.

The Sunrise Powerlink will ensure green energy supplies can be delivered. That certainty will help attract more renewable developers and billions of dollars worth of infrastructure investments to our region.

**Comment Set A0020, cont.
Imperial County Board of Supervisors**

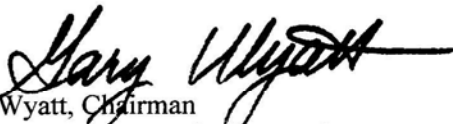
Despite our strong support for the line, we are also very cognizant of the impacts to the farmers, landowners and citizens in the County from new transmission facilities. We realize it is also imperative that access to renewable energy and the resulting financial impacts be assessed when determining a route.

A0020-5 cont.

The County of Imperial believes it is appropriate for the CPUC to complete its environmental review of the project prior to us recommending a route through the Imperial County. We are confident the CPUC process will address the potential impacts to our County and appropriate mitigation. The County strongly encourages the CPUC, regardless of the final route selected, to fully consider all impacts to our constituents.

The County of Imperial urges the CPUC to approve the Sunrise Powerlink this summer. The project is the most beneficial alternative to utilize the vast resources of renewable energy in the Imperial County. It will have a powerful impact on the County's economic development and provide significant benefits to our environment throughout California.

Respectfully,


Gary Wyatt, Chairman
Imperial County Board of Supervisors

cc: Robertta Burns, County Executive Officer
CPUC Commissioner Dian Grueneich
Imperial Irrigation District

Responses to Comment Set A0020

Imperial County Board of Supervisors

- A0020-1 The commenter's support of a transmission line from the Imperial Valley (either a northern or a southern route) and opposition to in-basin generation and the LEAPS alternatives are acknowledged.
- The commenter also suggests that Alternatives E.1, E.2, E.3, and E.7 do not meet all of the project objectives. CEQA Guidelines Section 15126.6(a) provides that alternatives should be potentially feasible and should meet "most" of the basic project objectives, while reducing or avoiding one or more the significant effects of the Proposed Project. Similarly, the Council on Environmental Quality's (CEQ) NEPA Regulations (40 C.F.R. 1502.14) requires analysis of alternatives that are "practical or feasible." Each of the over 100 alternatives evaluated in the Draft EIR/EIS was screened in the Alternatives Screening Report (see Appendix 1 of the Draft EIR/EIS), and only alternatives that meet "most" project objectives, are potentially feasible and would reduce or avoid one or more the significant effects of the Proposed Project were carried forward for full analysis in the EIR/EIS. Section 3 (Overview of Alternatives Evaluation Process) in Appendix 1 of the Draft EIR/EIS further describes the regulations and alternatives screening methodology.
- A0020-2 Please refer to General Response GR-5 for a discussion of the status of development of renewable generation in the Imperial Valley, eastern San Diego County, and northern Mexico.
- A0020-3 The commenter's support of other transmission projects that would complement Sunrise and connect Imperial Valley to other parts of California and Arizona is acknowledged. IID Transmission System Upgrades are described in Section B.6.1.2 of the Draft EIR/EIS as a connected action to the Sunrise Powerlink Project and are analyzed for every issue area in Section D of the Draft EIR/EIS.
- A0020-4 Please refer to Response to Comment A0020-3.
- A0020-5 Agricultural resources and revenue impacts to farmers in the Imperial Valley are discussed in the Draft EIR/EIS in Sections D.6 and D.14, respectively. The commenter's support for the Sunrise Powerlink Project is acknowledged.