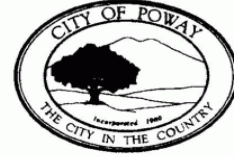


Comment Set A0032
City of Poway

CITY OF POWAY

MICKEY CAFAGNA, Mayor
BOB EMERY, Deputy Mayor
MERRILEE BOYACK, Councilmember
DON HIGGINSON, Councilmember
BETTY REXFORD, Councilmember



April 9, 2008

Billie Blanchard, CPUC / Lynda Kastoll, BLM
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104-3002

Subject: Draft Environmental Impact Report/Environmental Impact Assessment (EIR/EIS)
and Proposed Land Use Amendment for the Proposed Sunrise Powerlink
Project, Sch. No. 2006091071

Dear Ms. Blanchard and Ms. Kastoll:

Thank you for the opportunity to review the Draft EIR/EIS for the Sunrise Powerlink project. The City's Development Services Department has reviewed the Draft EIR/EIS and offers the following comments and local perspective for consideration by the California Public Utilities Commission (CPUC) in the preparation of the Draft EIR/EIS.

- Fire and Fuels Management

In the Draft EIR/EIS Figure D.15-30 Poway Fireshed, D.15.31 Burn Probability Model, and Figure D.15-32 Wildfire Containment Conflict Model respectively indicate the Poway section of the Coastal Corridor has the highest number of recorded fires of all the Proposed Project Firesheds, has a high to very high probability of catching fire, and has a high to very high level of conflict with wildfire suppression efforts created by the introduction of the proposed overhead transmission line. These factors, individually or collectively, and as stated in the Draft EIR/EIS, have the potential to lead to a wildfire that would impact Foster, Rancho Encantada, the southeast half of Poway, the east side of Miramar Ranch and Scripps Ranch, placing more than 330 homes at risk, and potentially engulfing Sycamore Canyon and Los Peñasquitos Canyon Preserves.

Proposed mitigation measures to reduce the level of risk do not appear adequate to prevent, from what the studies indicate, an inevitable situation. With these statistics now available to the public, the assumed financial responsibility for such a fire should warrant reconsideration of the project or of an alternative design to reduce the fire risk. One alternative to reduce the fire and financial risk along this corridor is the Pomerado Road to Miramar Area North Alternative. The City of Poway supports this alternative, as the proposed power line route avoids the Poway section of the Coastal Corridor and places a larger percentage of the power line underground, thereby reducing the level of fire risk.

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A0032-1

Comment Set A0032, cont. City of Poway

Draft EIR/EIS Comments
City of Poway
April 9, 2008
Page 2

- Public Health and Safety:

Increased power option - One of the main issues regarding the Sunrise Powerlink project is the potential health effect associated with long-term and potentially increased exposure to electromagnetic fields (EMFs) from power lines. Between San Diego's Scripps Ranch and Poway's Rolling Hills Estates, the existing narrow utility easement contains several SDG&E circuits, including a 69kV, a 138kV and a 230kV, cumulatively carrying approximately 437kV of power. The proposed Sunrise Powerlink project would increase the capacity to 667kV or more, by adding one or two additional 230kV lines on a new 120-foot-high tower. In the Poway segment, the towers are inappropriately offset to the north side of the utility easement, adjacent to the homes. In some situations the location of the existing power lines are less than 80 feet from the bedrooms of many of these homes.

A0032-2

As described in Section B.2.7 of the Draft EIR/EIS, the Central East Substation, which would be built as a part of the Sunrise Powerlink project, would accommodate up to six 230kV circuits. Only two circuits are proposed by SDG&E at this time, but construction of additional 230 kV circuits out of the Central East Substation west to the coast may be required within the next 10 years. The potential impacts generated by the additional wires could include an increased health risk from higher EMFs, an increased fire risk, an increase in noise levels, and additional impacts yet to be evaluated in other environmental issue areas. The potential impacts of a 300-500% increase in the amount of power and wires over what is evaluated in this report may result in a highly significant level of increased impacts in all environmental discussion areas. As many environmental, personal, and financial decisions will be based on the information provided in the Draft EIR/EIS report, it seems prudent to expand the scope of the Draft EIR/EIS to include the evaluation of the 6-wire option.

A0032-3

EMF - While the potential health hazards associated with EMF remain in dispute, most homeowners living adjacent to the proposed power lines consider this issue as a significant concern. Mitigation measures in Section D.10 of the Draft EIR/EIS suggest four methods to reduce the strength of the EMF; placing the wires higher aboveground, burying the power lines underground, increasing the width of the ROW, or using a canceling technique. In the Poway Coastal Corridor, the suggested mitigation measures do not appear adequate, as the limited width easement will significantly reduce the ability to increase the distance between power lines and homes. The Draft EIR/EIS states the canceling technique is of limited value because of the potential for short circuits if the wires are placed too close together. There are also worker safety issues to consider if spacing is reduced. Under the proposed Plan, the new pole and wires would be placed at a similar height as the existing power lines. The best method to reduce EMFs is to underground the power lines. Should a version of the Sunrise Powerlink project be approved, the City of Poway strongly urges the CPUC to mitigate this real problem by approving the placement, at minimum, of the new two 230kV Sunrise Powerlink lines underground. The City would prefer that all utility lines within this corridor

A0032-4

**Comment Set A0032, cont.
City of Poway**

Draft EIR/EIS Comments
City of Poway
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segment be placed underground. To accommodate this request, it is suggested that SDG&E use the existing roadway franchise, utility easement, and rights-of-way to route and/or underground the Sunrise Powerlink lines away from these homes. Alternatively, the City of Poway also supports the Draft EIR/EIS Pomerado Road to Miramar Area North Alternative, which relocates the new power lines along Pomerado Road away from the Rolling Hills estates, as well as placing the power lines safely underground.

A0032-4 cont.

▪ Noise

Homes in Rolling Hills Estates in Poway are located within 100 feet of the existing towers. Depending on the configuration and location of the lines, the project could create a noticeable increase in nighttime noise. The Draft EIR/EIS states there are few options for mitigating this noise source, and propose Mitigation Measure N-3a to minimize the nuisance to the extent feasible. The report indicates that the noise increase would remain and create an infrequent and unavoidable impact. Mitigation measure N-3a is "Respond to complaints of corona noise." The City finds that this mitigation measure is inadequate to address a permanent impact.

A0032-5

▪ Project Alternatives

The Draft EIR/EIS analyzes seven possible routes for the Sunrise Powerlink project, plus the no-project alternative. Each route was ranked on its environmental effects with the Environmentally Superior Alternative listed first, followed by the incrementally more impactful routes. The proposed project is listed as the sixth least desirable alternative in the Draft EIR/EIS. Should a project be approved, the City of Poway would encourage the CPUC to select one of the more superior environmentally and economically viable routes.

A0032-6

Thank you for your time and consideration of our concerns. Should you have questions regarding these comments please contact Jim Lyon, Senior Planner, at (858) 668-4657 or at jlyon@ci.poway.ca.us.

Sincerely,


Rod Gould
City Manager

Responses to Comment Set A0032

City of Poway

A0032-1 The City of Poway notes that because mitigation measures identified in the Draft EIR/EIS would not eliminate the risk of a wildfire being ignited by the Sunrise Powerlink Project, it would be prudent for the Applicant to reconsider the project in light of the potential financial responsibility of a catastrophic wildfire. This comment is acknowledged, however it is beyond the scope of the EIR/EIS to consider economic costs and benefits of the project. Please see General Response GR-12 relating to the costs and stated need for the project.

The City of Poway's support for the Pomerado Road to Miramar Area North Alternative is acknowledged. As explained in detail in Section H of Volume 6 of the Draft EIR/EIS, the Pomerado Road to Miramar Area North Alternative is environmentally superior to the segment of the Proposed Project that it would replace, as noted by the City of Poway. However, Section H identifies the Coastal Link System Upgrade Alternative as environmentally superior to both the Proposed Project and the Pomerado Road alternative as it would eliminate all of the significant impacts of the Proposed Project along the Coastal Link.

A0032-2 Please refer to General Response GR-10 for a discussion of EMF. SDG&E's Proposed Project would incorporate low-cost and no-cost measures to reduce magnetic fields in accordance with CPUC policy. When additional lines are added to a corridor, such as in the referenced portion of the Proposed Project, cancellation of magnetic fields can be accomplished by arranging phase wires from the different circuits near each other. Table D.10-25 (Magnetic Field Levels (mG) – 230 kV Segment) in the Draft EIR/EIS actually shows that there would be a net negative change in EMF levels for the overhead lines in the Coastal Link on both the left and right sides of the ROW.

A0032-3 The Future Transmission System Expansions were evaluated at an appropriate programmatic level in the Draft EIR/EIS. The future transmission line routes are described in Section B.2.7, and impact analyses, including noise and fire risk, are presented in each part of Section D of the Draft EIR/EIS. Because the routes are not well defined and any future transmission project would require an independent permitting and environmental compliance process, the level of detail in the analysis of the Future Transmission System Expansions as carried out in the Draft EIR/EIS is appropriate. No changes to the level of analysis have been made. Please also refer to Response to Comment Set A0015. Please also see the introduction to the Recirculated Draft EIR/EIS pages 1-1 and 1-4.

A0032-4 Please refer to Response to Comment A0032-2. General Response GR-10 and Section D.10.22.3 in the Draft EIR/EIS both discuss SDG&E's proposed EMF mitigation. The commenter's preferences for underground lines through the City of Poway, and the Pomerado Road to Miramar Area North Alternative over the proposed Coastal Link route are noted.

A0032-5 Rolling Hills Estates is identified as a location of noise-sensitive receptors in Section D.8.2.5 of the Draft EIR/EIS, and for this location in the Coastal Link, the discussion for Impact N-3 in Section D.8.9 (Draft EIR/EIS, p. D.8-31) shows that the new 230 kV

lines would not substantially change the existing noise levels. There would be no permanent significant noise impact at Rolling Hills Estates. However, the text in Section D.8 of the Draft EIR/EIS has been clarified to explain that the transmission line is a “source,” not an “increase,” as follows:

...would cause ~~create~~ a new permanent noise ~~increase~~ source of up to 32 dBA CNEL

A0032-6 The City’s recommendation that the decision-makers select one of the more environmentally superior and economically viable routes is acknowledged.

Comment Set A0033

State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

April 14, 2008

CPUC/BLM
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

SUNRISE POWERLINK PROJECT DRAFT ENVIRONMENTAL IMPACT
REPORT/ENVIRONMENTAL IMPACT STATEMENT

State Water Resources Control Board (State Water Board) staff has reviewed the Sunrise Powerlink Project DEIS (proposed project). Anyone proposing to conduct a project that requires a federal permit or involves dredge or fill activities that may result in a discharge to surface waters, including wetlands, is required to obtain a Water Quality Certification (Certification) verifying that the project activities will comply with state water quality standards. Since this proposed project spans more than one Regional Water Quality Control Board (Regional Water Board), the Certification would be issued by the State Water Board.

The California Water Boards (State and Regional Water Boards collectively) expect that for any project subject to their permitting authority, every effort will be made to avoid and minimize impacts to all waters of the State to the maximum extent practicable, and to ensure no net loss of any type of wetlands and their beneficial uses. In the event that unavoidable impacts occur, mitigation for the loss of or adverse effect upon those waters, their functions, or their beneficial uses shall be provided. State Water Board staff plan to work with the proposed project proponents and other regulatory agencies in an effort to ensure that this goal is met.

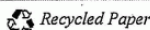
The size and scope of the Sunrise DEIS does not allow a comprehensive review of all details in the time provided. Our comments (enclosed) cover several general topics of concern and provides examples of classes of specific concerns that will need to be addressed in a final document and in development of subsequent project implementation plans.

Although the comment period closed Friday, April 11, we are submitting these for your consideration. A computer network shut down on Friday caused our delay. However, on Monday, April 14, Bill Orme, Senior Environmental Scientist with the State Water Board, contacted Mike Josselyn, President of WRA Environmental Consulting, to inquire about your acceptance of late comment. Mr. Josselyn indicated that the State Water Board comments would be accepted since the hearings on the Sunrise Powerlink Project are still in progress.

The State Water Board staff thank the CPUC and BLM for this opportunity to comment on this proposed project. Please continue to include our agency in all future correspondence regarding this proposed project. We are available to discuss the project and our comments in detail. For questions or comments, contact Mr. Cliff Harvey at (916) 322-2514 (CHarvey@waterboards.ca.gov)

A0033-1

California Environmental Protection Agency



Comment Set A0033, cont.
State Water Resources Control Board

-2-

Sincerely,



Elizabeth L. Haven
Assistant Deputy Director
Division of Water Quality

Enclosures (2)

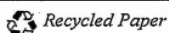
cc:

Dave Smith
U.S. Environmental Protection Agency, Region 9
Wetlands Regulatory Office
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San Francisco, CA 94105

Robert Perdue
Executive Officer
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California Environmental Protection Agency



Comment Set A0033, cont. State Water Resources Control Board

Enclosure

COMMENTS OF THE STATE WATER RESOURCES CONTROL BOARD ON SUNRISE POWERLINK PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Please note that when rewording of text in the DEIS is proposed, suggested new text is underlined and suggested deletions are ~~struck through~~ in the quotes from the document that are cited. Text citations in this letter are typically indented.

COMMENT 1:

State Water Board staff concurs with the scoping comments previously submitted by the San Diego Water Board, and reiterate the importance of maintaining the water quality standards described in those comment letters.

A0033-2

COMMENT 2:

Special efforts should be made to avoid impacts to wetlands and waters of all types in California State Parks, designated Wilderness, Wilderness Study Areas (WSAs), Areas of Critical Environmental Concern (ACECs), and similar relatively undisturbed sites. Besides the beneficial uses associated with such sites, it is becoming increasingly important that undisturbed reference sites remain available for the purpose of providing a scientific benchmark for wetland and riparian functional capacity.

A0033-3

COMMENT 3:

Inconsistency between sections occurs, and these inconsistencies are not inconsequential. One example is cited here:

A0033-4

In Section D.2.1.1., (p. d.2-4), Wetlands and Aquatic Resources Methods, it is stated that general wetland assessments of the proposed project were done by noting those areas (i.e., watercourses [see Section D.12] and potential wetland vegetation [see Section D.2.6 below]) that may be subject to the jurisdiction of the U.S. Army Corps of Engineers (ACOE) pursuant to section 404 of the Clean Water Act and the California Department of Fish and Game (CDFG) pursuant to Sections 1600-12 of the California Fish and Game Code. The purpose of a general wetland assessment is to identify potential areas under ACOE and CDFG jurisdiction that would require a formal delineation. For the proposed project and project alternatives, wetland vegetation was mapped (which is anticipated to be jurisdictional), and the NWI and hydrologic study for the proposed project (Section D.12) and project alternatives was used to identify potential jurisdictional drainages.

In reading this section, it appears that no identification method or assessment of non-jurisdictional wetlands that would be protected as waters of the State is included in this analysis. This oversight occurs in many other passages in the DEIS.

However, in Section D.2.3.2, (p. D.2-68) under the discussion of state laws, including the Porter-Cologne Water Quality Control Act (Porter-Cologne), it is acknowledged that:

"The intent of the Porter-Cologne Act is to protect water quality and the beneficial uses of water, and applies to both surface and groundwater. Under this law, the California State Water Resources Control Board develops statewide water quality plans, and the

Comment Set A0033, cont.
State Water Resources Control Board

Enclosure

RWQCBs develop basin plans that identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne include isolated waters that are no longer regulated by ACOE. Developments which impact jurisdictional waters must demonstrate compliance with the goals of the Act by developing Storm Water Pollution Prevention Plans, Standard Urban Storm Water Mitigation Plans, and other measures in order to obtain a CWA Section 401 certification."

A0033-4 cont.

While still not a fully complete description of the regulatory functions of the California Water Boards, it is acknowledged that Porter-Cologne protections extend to all surface and groundwater, including those waters no longer under ACOE jurisdiction. These types of inconsistencies relating to wetland and water protection laws, regulations, and policies should be resolved throughout the DEIS.

COMMENT 4:

In Section D.12 (p. D.12-2), it is correctly stated that:

"The project alignments are located in two primary Hydrologic Regions: the Colorado River Hydrologic Region governed by the Colorado River Regional Water Quality Control Board (Colorado RWQCB) and the San Diego Hydrologic Region governed by the San Diego Regional Water Quality Control Board (San Diego RWQCB). These boards are charged with implementing programs that preserve and enhance water quality and protect the beneficial uses of their regional water."

A0033-5

It should also be stated that, due to the multi-regional nature of the proposed project, the State Water Board would also be involved, especially in regards to Certification, Stormwater Permitting, and as a responsible agency under the California Environmental Quality Act (CEQA). A clear and accurate representation of all regulatory authorities should be provided throughout the DEIS.

It is expected that the State Water Board staff will work closely with Regional Water Boards' staffs in development of all permit conditions, including mitigation and monitoring requirements.

COMMENT 5:

In Section D.12.3 (p. D.12- 14,15), it is stated that:

"NPDES permitting authority is delegated to, and administered by, California's nine Regional Water Quality Control Boards (RWQCBs). The Proposed Project is under the jurisdiction of the San Diego Regional Water Quality Control Board, and the Colorado River Basin Regional Water Quality Control Board."

A0033-6

Again, this statement is incomplete in regards to California Water Boards' permitting. Although the Regional Water Boards do issue NPDES permits, the State Water Board regulates the NPDES stormwater program. The repeated occurrences of this error in this DEIS should be corrected.

COMMENT 6:

A0033-7

Comment Set A0033, cont.
State Water Resources Control Board

Enclosure

That chapter of Section D.12.3 (p. D.12-16) pertaining to state laws partially describes obligations for compliance with Porter-Cologne.

A0033-7 cont.

This section states that:

"Applicable constraints in the water quality control plans relate primarily to the avoidance of altering the sediment discharge rate of surface waters, and the avoidance of introducing toxic pollutants to the water resource."

This statement is true, but it is incomplete.

A primary focus of water quality control plans is to protect designated beneficial uses of waters, which range from drinking water quality, to recreation and wildlife habitat. Also omitted from this section is the requirement to that anyone proposing to discharge waste that could affect the quality of the waters of the state must make a report of the waste discharge to the Regional Water Board or State Water Board as appropriate, in compliance with Porter-Cologne.

COMMENT 7:

A0033-8

Table D.12-6 presents the Applicant Proposed Measures (APMs) that are relevant to water resources. The following comments relate to the contents of this table.

WQ-APM-1: This measure should be restated to include effects to any landforms that might adversely affect water quality or beneficial uses. This measure should also specify that avoidance of disturbance whenever possible is the first and preferred alternative. Suggested rewording:

All construction and maintenance activities shall be conducted in a manner that avoids ~~minimizes~~ disturbance to riparian/wetland vegetation, drainage channels, and intermittent and perennial stream banks, or to any landforms which, if disturbed, might affect water quality or beneficial uses of waters, to the greatest extent feasible. When such avoidance is infeasible, construction and maintenance activities shall be conducted in a manner that minimizes disturbance to the greatest feasible extent.

WQ-APM-3: Suggested rewording:

Specific sites as identified by authorized agencies (e.g., fragile watersheds) where construction ~~personnel~~, equipment and vehicles are not allowed shall be clearly marked by appropriate flagging and signage on-site before any construction or surface disturbing activities begin. All such flagging and signage shall be maintained on a daily basis throughout the entire construction period, in any and all active project areas where any construction or construction-related activities are or may be occurring. All such signage shall be removed within 30 days of conclusion of construction. Construction personnel shall be trained to recognize these markers and understand the ~~personnel~~, equipment and vehicle movement restrictions involved.

Comment Set A0033, cont.
State Water Resources Control Board

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WQ-APM-4: Suggested rewording:

Adequate distance, as defined in the pertinent permits, from, wetlands, stream banks and beds, and other waters as identified, will be maintained during construction activities and the boundaries shall be identified in the field with flagging and signage.

A0033-8 cont.

WQ-APM-4.2.

Construction activities will minimize stream crossings and shall use existing bridges to cross major streams and existing culverts in most dry intermittent streams. If water may be present during the life of the crossing, and there is no existing stream crossing, then stream crossing facilities shall be planned, constructed, and maintained, and removed at the end of construction if the crossing is temporary. When existing bridges and/or culverts are inadequate to withstand construction traffic, any replacements necessary shall be identified on pertinent permit applications, along with proposed replacement specifications. If existing culverts or bridges should fail during construction for any reason, whether or not the reason relates to construction, appropriate regulatory agency personnel shall be contacted immediately to provide for approval of the design of the replacement crossing structure and any other emergency actions that may be necessary. All bridges and culverts, whether new or existing, shall be maintained in good functioning condition throughout the construction process. Bridges shall be provided with decks or underlayment to capture any drips or spills that may otherwise fall into the spanned water body.

WQ-APM-4.3.

Surface water, riparian areas, and floodplains or any other waters of the state or waters of the U.S. will be spanned where feasible. When it is infeasible to span surface water, riparian areas and floodplains or any other waters, site specific alternatives shall be identified. No spans over any waters will be constructed without appropriate agency permit approval.

WQ-APM-4.4.

A Storm Water Pollution Prevention Plan (SWPPP) will be prepared and implemented. The SWPPP will be presented to appropriate regulatory agency personnel for approval at least 30 days before commencement of construction. The SWPPP will address both temporary and permanent stormwater management measures for the entire proposed project area, including provision for removal of temporary measures at the conclusion of construction and the maintenance of permanent measures after construction.

WQ-APM-4.5.

Storm Water Best Management Practices (BMPs) for construction will be implemented per the requirements of the project's SWPPP. Oversight of SWPPP implementation shall be conducted by qualified persons with experience and training in stormwater management, erosion prevention, and erosion control (as evidenced by work experience or certifications such as Certified Professional in Erosion and Sediment Control, or Certified Professional in Storm Water Quality).

WQ-APM-4.6.

An estimated erosion hazard rating map shall be provided to the State Water Board as part of the SWPPP for the plan area. Erosion control measures such as, but not limited to, ~~S~~silt fencing, straw mulch, and straw bale check dams would be installed as

Comment Set A0033, cont.
State Water Resources Control Board

Enclosure

A0033-8 cont.

appropriate to contain sediment within construction work areas and staging areas. Where soils and slopes exhibit high erosion potential, erosion control blankets, matting, and other fabrics, and/or other erosion control measures will be used. All erosion control practices will be prescribed specifically in the SWPPP. All supervision of installation and selection of erosion control practices shall be conducted by qualified persons with experience and training in stormwater management, erosion prevention, and erosion control (as evidenced by work experience or certifications such as Certified Professional in Erosion and Sediment Control, or Certified Professional in Storm Water Quality).

WQ-APM-4.7.

The potential for increased sediment loading will be minimized by limiting road improvements to those necessary for project construction, operation and maintenance, and erosion prevention. Erosion prevention measures will be maintained on all roads until the end of the project.

WQ-APM-4.8.

Upland pull sites will be selected to avoid, where feasible, and minimize impacts to surface waters, riparian areas, wetlands and floodplains.

WQ-APM-4.9.

Structures will not be placed in streambeds or drainage channels unless prior permit approval is received by the appropriate agencies. All temporary structures shall be removed before the beginning of the winter period.~~to the extent feasible.~~

WQ-APM-13.

An emergency spill response plan shall be prepared prior to the start of construction and a spill kit shall be maintained on-site throughout the life of the project. This plan would include a map that delineates construction staging areas, where refueling, lubrication, and maintenance of equipment may occur. All hazardous materials shall be properly stored and handled, and shall not be stored or handled in or near any water bodies unless unavoidable. Hazardous materials will not be disposed of onto the ground, the underlying groundwater, or any surface water. Totally enclosed containment will be provided for trash. All of the proposed project area shall be maintained free of litter of all types at all times, regardless of the source of the litter. All construction personnel will be responsible for maintaining a clean project area. Petroleum products and other potentially hazardous materials would be removed to a hazardous waste facility permitted or otherwise authorized to treat, store, or dispose of such materials. In the event of a release of hazardous materials to the ground, it will be promptly cleaned up in accordance with the emergency spill response plan and all applicable regulations. Treatments for concrete washout, drilling muds, dewatering tail water, and any other similar potential pollutants shall be specified in the SWPPP. Recyclable waste material shall be recycled when possible.

WQ-APM-16.

If sensitive water resource features contain riparian areas, habitats of endangered species, streambeds, cultural resources, and wetlands which cannot be avoided, a qualified biological contractor shall conduct site-specific assessments for each affected site. These assessments shall be conducted in accordance with ACOE wetland delineation guidelines, as well as CDFG streambed and lake assessment guidelines.;

Comment Set A0033, cont.
State Water Resources Control Board

Enclosure

~~and~~ These guidelines shall include impact avoidance and minimization measures to reduce wetland impacts to a less than significant effect on site. When on-site mitigation efforts will not result in less than significant effects, off-site compensatory mitigation measures shall be implemented (e.g., through creation or restoration of wetlands). Compensatory mitigation measures shall be provided through guidelines approved by USEPA, USACE/ACOE, U.S. Fish and Wildlife Service, CDFG, and the California Water Boards. A Mitigation and Monitoring plan shall be prepared and presented to the regulatory agencies no less than 30 days before the start of construction. Monitoring of mitigation effectiveness under this plan shall be undertaken for a minimum of five full growing seasons following the installation or procurement of the site. ~~Though construction or maintenance vehicle access through shallow creeks or streams is allowed, Treatments for all stream crossings for construction and maintenance vehicles shall be specified. Staging/storage areas for equipment and materials shall be located outside of riparian areas. Construction of new access or reconstruction of existing access through streambeds or wetlands that require filling for access purposes would require a Streambed Alteration Agreement from CDFG and/or consultation/approval from ACOE and the California Water Boards. Where filling is required for new access, the installation of properly sized culverts and the use of appropriate erosion control and stormwater management measures shall be specified by qualified persons with experience and training in stormwater management, erosion prevention, and erosion control (as evidenced by work experience or certifications such as Certified Professional in Erosion and Sediment Control, or Certified Professional in Storm Water Quality). geotextile matting should be considered in the CDFG/ACOE consultation process.~~

A0033-8 cont.

New Proposed APM:

Construction shall, to the maximum extent feasible, be conducted in phases so that the area of active construction activity is minimized at any point in time, while allowing for exercise of other environmental mitigation measures, such as wildlife seasonal closures. The construction plan shall, to the maximum extent feasible, also minimize the total duration of the construction time.

New Proposed APM:

A comprehensive restoration and reclamation plan for the entire project area and all sites affected by the project area shall be prepared and approved by the regulatory agencies before construction commences. Restoration and reclamation plan shall identify areas or zones that will be completed in sequence along with the sequence of construction. Implementation of the restoration and reclamation plan shall commence immediately upon completion of construction in any given area of the project. Restoration and reclamation shall not be postponed until full project completion.

New Proposed APM:

All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order so that they are free of any and all leaks that could escape the vehicle or contact the ground.

New Proposed APM:

All construction personnel shall be trained in the basic environmental guidelines for this proposed project. Personnel with duties pertaining to specialized environmental guidelines shall be trained in compliance for those specialized guidelines.

Comment Set A0033, cont.
State Water Resources Control Board

Enclosure

New Proposed APM:

The construction project area shall be clearly marked. No persons, vehicles, equipment, or other project activity shall take place outside the marked project boundary.

A0033-8 cont.

New Proposed APM:

Comprehensive inspection and monitoring for environmental compliance shall be conducted throughout the construction process by qualified, independent inspectors who have authority to enforce all environmental guidelines and mitigation measures. An inspection team shall be assigned, funded, and equipped so that the team is adequate to cover the entire project area for any and all hours and days of operation. This inspection team shall be led and/or staffed by qualified persons with experience and training in natural resources, geology, soils, ecology, or related disciplines. The inspection team shall also include persons qualified in stormwater management, erosion prevention, and erosion control (as evidenced by work experience or certifications such as Certified Professional in Erosion and Sediment Control, or Certified Professional in Storm Water Quality). These independent inspectors, whether agency staff or contractors, shall be under supervision of regulatory agency staff, and shall have access to all areas subject to project activity.

COMMENT 8:

A0033-9

Regarding Table D.2-24. Mitigation Monitoring Program general details regarding compensatory mitigation are described in Section D.2., with considerable discussion of measures affecting wetlands and other waters occurring in Table D.2-24. These proposed mitigation measures should be considered a minimum starting point rather than a fixed plan. Because of the complexity of the various combinations of alternatives that may be selected, and the variability of outcomes of any construction process, determination of final mitigation ratios and locations should be subsequent to selection of a final transmission line route and final accounting of post construction project impacts.

A committee of representatives of all agencies that may have regulatory authority to require compensatory mitigation should be identified. This committee should be empowered with negotiation of final mitigation requirements based on all project effects during and after construction.

COMMENT 9:

A0033-10

Regarding Table D.2-24. Mitigation Monitoring Program – Biological Resources, MITIGATION MEASURE B-2a:

Suggested rewording is shown below:

Provide restoration/compensation for impacted jurisdictional areas. Impacts to areas under the jurisdiction of the ACOE, Regional Water Boards, State Water Board, and CDFG shall be avoided to the extent feasible. Where avoidance of jurisdictional areas is not feasible (including for emergency repairs), the applicant shall provide the necessary mitigation required as part of wetland permitting by creation/restoration/preservation of suitable jurisdictional or equivalent habitat along with adequate buffers to protect the function and values of jurisdictional area mitigation. The location(s) of the mitigation would be determined in consultation with the CPUC, BLM, Wildlife Agencies, State

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Parks (for mitigation in ABDSP), U.S. Forest Service (for alternatives with mitigation on National Forest lands), ACOE, RWQCB, State Water Board and CDFG, as part of the wetland permitting process.... It is anticipated that the sites would be in close proximity to the impacts or in the same watershed.

A0033-10 cont.

...would require acquisition and preservation of already-existing emergent wetland (or other wetland community acceptable to the permitting agencies — ACOE, Regional Water Boards, State Water Board, and CDFG)....

...Wetland permits shall be obtained from the ACOE, ~~RWQCB~~, State Water Board, and CDFG prior to initiating construction in jurisdictional areas.

COMMENT 10:

A0033-11

Section D.2.6, Jurisdictional Waters and Wetlands, contains a description of Impact B-2:

Construction activities would result in adverse effects to jurisdictional waters and wetlands through vegetation removal, placement of fill, erosion, sedimentation, and degradation of water quality (Class II).

The following rewording is suggested for the narrative text relating to Impact B-2:

Direct and/or indirect impacts to jurisdictional Waters of the U.S. and possibly wetlands (i.e., areas regulated by the ACOE, ~~and State and Regional Water Boards, RWQCB~~ and/or CDFG) would occur from the Proposed Project. Direct and/or indirect impacts to waters of the State and possibly wetlands (i.e., areas regulated by the California Water Boards and/or CDFG) would occur from the proposed project. Impacts to jurisdictional areas and waters of the state can not be clearly defined until a final route is selected that includes project-specific features and final engineering.

COMMENT 11:

A0033-12

In the discussion of Impact B-2.a, it is stated that:

Any impacts associated with unauthorized activity (e.g., exceeding approved construction footprints) shall be mitigated as follows, unless otherwise directed by the ACOE, RWQCB, and CDFG: restoration of the unauthorized impacts shall be credited at a 1:1 ratio; the remaining 4:1 (or 4.5:1 in FTHL MA) shall be acquired off site.

Some clarification of what constitutes an "unauthorized impact" is needed.

COMMENT 12:

A0033-13

Figure D.2-7 provides a Sample Proposed Project Biological Resources/Impacts Map. This sample appears to be proposed as an example of what compliance officers would be provided to monitor project effects on Biological Resources. This map would be marginal for that purpose, especially for site specific features such as small plant populations, springs or small wetlands. Similar maps, but on much larger scale, should be provided to environmental compliance personnel that provide a comprehensive view of project construction plans overlaid

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with details of all protected resources. Similar maps should be available to construction managers, but protected resource areas should only be identified as such, and not identified by type.

A0033-13 cont.

COMMENT 13:

Many references to "Forest Service Property" or "Forest Service Land" are made throughout the DEIS. These lands are more properly referred to as "National Forest Lands." The U.S. Forest Service is the manager of the National Forests, not the owner. Similarly, lands administered by the Bureau of Land Management are managed by, but not owned by, the BLM.

A0033-14

These distinctions are not merely semantic. The proposed project which is the subject of this DEIS has the potential to affect a great deal of land and resources. Therefore, the DEIS has the responsibility to properly identify affected land owners, land managers and land management agencies, and to properly identify the roles and responsibilities of those stakeholders.

COMMENT 14:

Effects to Vegetation by Community are discussed in Section D.2.5. In this Section, it is noted that:

A0033-15

"Mitigation ratios were developed in consultation with the USFWS, BLM, and State Parks... (p. D.2-85)"

However, it seems that this is the only section in the DEIS that deals with mitigation ratios for wetlands and habitat types associated with waters of the U.S. and waters of the State. Therefore, failure to consult with the ACOE or the State Water Board on this important concern is a significant oversight.

If mitigation for effects to waters of the U.S. and waters of the State is intended to occur simultaneously with mitigation for impacts to habitat types by community, some discussion of that intent should be included in the DEIS. If some other mitigation strategy is intended, it should be included in the final document. As stated in previous comments in this letter, in the event that unavoidable impacts occur, mitigation for the loss of or adverse effect upon those waters, their functions, or their beneficial uses shall be provided.

COMMENT 15:

A0033-16

Table D.2-7 (p. D.2-85 and following), in section D.2.5 presents the impacts to vegetation communities from the proposed project, mitigation ratios, and mitigation acreages. The following comments relate to the contents of this table:

1. Non-Native Vegetation, Developed Areas, and Disturbed Habitat: For Non-Native Vegetation, Developed Areas, and Disturbed Habitat: no mitigation is proposed for any sub-type in this category. Provision at least for minimal restoration should be included in proposed project plans, if only to avoid invasive weed establishment. Site specific reasons should be given for any project related site that would not be improved as a result of project activity.

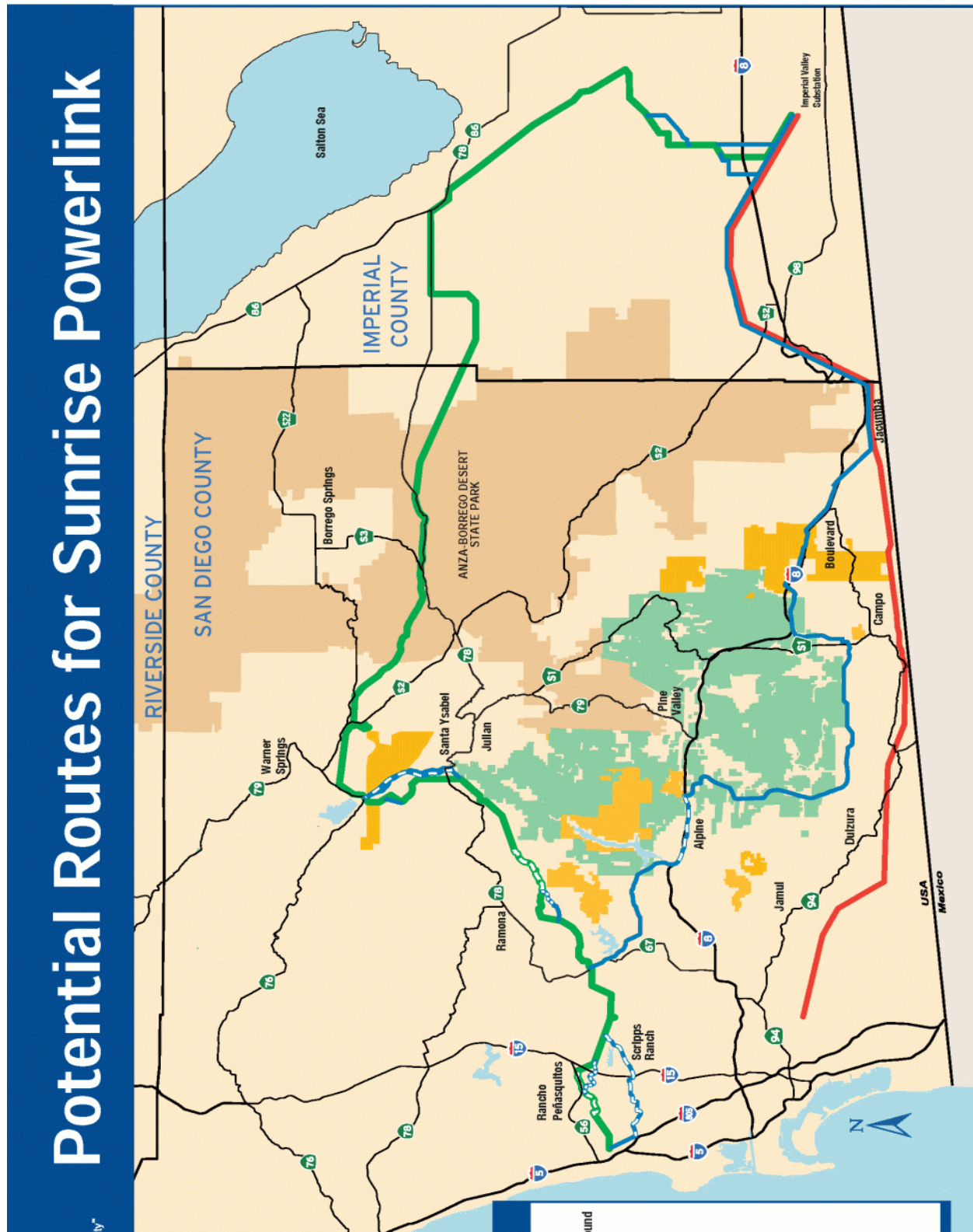
Comment Set A0033, cont.
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2. Herbaceous Wetlands, Freshwater, and Streams, Riparian Scrubs and Riparian Forests and Woodlands: Recommended mitigation ratios for permanent effects to any of these vegetation types is no less than 3:1. In the case of types dominated by tamarisk or other invasive species, the proposed 1:1 ratio may be accepted if effective invasive plant eradication and vegetation maintenance of those habitats is proposed in site specific plans subject to management agency and landowner approval.

A0033-16 cont.

Comment Set A0033, cont.
State Water Resources Control Board



Responses to Comment Set A0033

State Water Resources Control Board

- A0033-1 As is shown in Table A-1 (Permits or Other Actions Required Prior to Construction of the SRPL) in the Draft EIR/EIS, Regional Water Quality Control Board, Regions 7 and 9, would have jurisdiction for water resources permitting (e.g., 401 Certification, Waste Discharge Requirements, etc.). Impacts and mitigation measures to maintain water quality standards associated with the Proposed Project are discussed in the Draft EIR/EIS in Section D.12.
- A0033-2 Please refer to Response to Comment A0033-1.
- A0033-3 Impact B-2 (Construction activities would result in adverse effects to jurisdictional waters and wetlands through vegetation removal, placement of fill, erosion, sedimentation, and degradation of water quality) in Section D.2.6 addresses impacts to wetlands from the Proposed Project. In general, overhead transmission lines are usually able to span drainages and wetland areas between towers. Additionally, implementation of Mitigation Measures B-1c (Conduct biological monitoring) and B-2a (Provide restoration/compensation for affected jurisdictional areas) would ensure that impacts to wetlands and waters of all types would be less than significant (Class II).
- A0033-4 The commenter states that it appears that no identification method or assessment of state-protected, non-jurisdictional wetlands is included in the analysis, and that there are inconsistencies between Sections D.2 and D.12. See General Response GR-15 (Biological Resources Jurisdictional Delineations). It is noted that the impact discussion for jurisdictional waters and wetlands (Section D.2.6 on page D.2-93 of the Draft EIR/EIS) clearly states that impacts to areas regulated by the RWQCB would occur, and that a formal delineation of areas under the jurisdiction of the RWQCB would be required so that SDG&E can apply for permits. It is acknowledged that the Draft EIR/EIS does not specifically identify any surface and groundwater resources not under ACOE jurisdiction. However, the project applicant is required to comply with California Water Board requirements.
- A0033-5 The fifth paragraph of Section D.12.1 has been modified as suggested:
- The project alignments are located in two primary Hydrologic Regions: the Colorado River Hydrologic Region governed by the Colorado River Regional Water Quality Control Board (Colorado RWQCB) and the San Diego Hydrologic Region governed by the San Diego Regional Water Quality Control Board (San Diego RWQCB). These regional boards are charged by the State Water Resources Control Board (SWRCB) with implementing programs that preserve and enhance water quality and protect the beneficial uses of their regional water. The project alignments would fall within planning areas governed by the two regional boards and the State board. The Imperial Valley and Anza-Borrego Links would fall within the Colorado RWQCB planning areas for the Imperial Valley and Anza-Borrego Desert State Park (CRWQCB, 2005). The Central Link would fall within both the Colorado RWQCB Anza-Borrego planning area and the San Diego RWQCB planning area. The alignments proposed for the Inland Valley and Coastal Links would fall within the San Diego RWQCB plan-

ning area (SDG&E, 2006). The SWRCB is responsible for certification and storm-water permitting, and is a responsible agency under CEQA.

A0033-6 The text of Section D.12.3 under the description of the Clean Water Act has been clarified as suggested:

Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). NPDES permitting authority is delegated to, and administered by, California's nine ~~Regional Water Quality Control Boards (RWQCBs)~~. In addition, the SWRCB regulates the NPDES stormwater program. The Proposed Project is under the jurisdiction of the San Diego Regional Water Quality Control Board, and the Colorado River Basin Regional Water Quality Control Board, and the SWRCB.

A0033-7 The text of Section D.12.3 under the description of the Porter-Cologne Act has been clarified as suggested:

The Porter Cologne Water Quality Control Act of 1967, Water Code Section 13000 et seq., requires the ~~State Water Resources Control Board (SWRCB)~~ and the nine RWQCBs to adopt water quality criteria to protect State waters. These criteria include the identification of beneficial uses, narrative and numerical water quality standards, and implementation procedures. The criteria for the project area are contained in the Water Quality Control Plan for the San Diego Basin (CRWQCB, 1994) and the Water Quality Control Plan Colorado River Basin – Region 7 (CRWQCB, 2005). Applicable constraints in the water quality control plans relate primarily to the avoidance of altering the sediment discharge rate of surface waters, and the avoidance of introducing toxic pollutants to the water resource. A primary focus of water quality control plans is to protect designated beneficial uses of waters, which range from drinking water quality to recreation and wildlife habitat.

In addition, anyone proposing to discharge waste that could affect the quality of the waters of the state must make a report of the waste discharge to the Regional Water Board or State Water Board as appropriate, in compliance with Porter-Cologne.

A0033-8 No changes to the Applicant Proposed Measures have been made because the APMs are commitments proposed by the Applicant, not the Lead Agencies. However, certain required Mitigation Measures for the construction and operation activities of the Proposed Project and alternatives encompass many of the Water Board's suggestions and concerns. Mitigation Measure H-1a would require Regional Water Board approval of a SWPPP for the construction of new substations, for example.

The Water Board also suggests "New Proposed APMs" to be incorporated into the Water Resources sections of the EIR/EIS as additional mitigation measures for the project. These are discussed in detail below. One of these suggestions has been incorporated into the EIR/EIS as a new mitigation measure, one of these suggestions has been determined to be infeasible, and the other four suggestions are already addressed in required mitigation measures or APMs in other resource areas for the project. The Water Board's first "New Proposed APM" would require phased construction to minimize construction activities at any one time and to minimize the total duration of construction. Given the already very tight seasonal restrictions based on wildlife, recreation, and erosion considerations, further construction restrictions are infeasible. Please also

refer to Responses to Comments E0002-200 and E0002-274 for further discussion of construction schedule constraints imposed on the project.

The Water Board's second "New Proposed APM" would require that a comprehensive restoration and reclamation plan for the entire project area and all sites affected by the project area should be prepared and approved by the regulatory agencies before construction commences, and furthermore that the plan shall identify areas or zones that will be completed in sequence along with the sequence of construction and the plan shall commence immediately upon completion of construction in any given area of the project. The Water Board is concerned that restoration and reclamation could be postponed until full project completion.

Mitigation Measure B-1a (beginning on page D.2-88 of Volume 1 of the Draft EIR/EIS), as follows, states that a restoration plan must be approved by the regulatory agencies prior to the initiation of any vegetation disturbing activities.

B-1a Provide restoration/compensation for impacted sensitive vegetation communities.... Where onsite restoration is planned, the Applicant shall identify a qualified Habitat Restoration Specialist to...prepare and implement a Habitat Restoration Plan...to be approved by the CPUC, Wildlife Agencies, BLM, State Parks (for ABDSP restoration), and USDA Forest Service (for National Forest land restoration). The Applicant shall work with the CPUC, BLM, Wildlife Agencies, and State Parks until a plan is approved by all. This Habitat Restoration Plan must be approved in writing by the above-listed agencies prior to the initiation of any vegetation disturbing activities.

Additionally, Mitigation Measure B-1a in Table D.2-24 Mitigation Monitoring Program – Biological Resources (beginning on page D.2-510 of Volume 1 of the Draft EIR/EIS), as follows, shows where and how Mitigation Measure B-1a is to be applied (i.e., all areas disturbed by construction activities and prior to, during, and after construction). The timing of restoration is dependent on not only the construction schedule but also on the proper timing for restoration activities (e.g., weather conditions, rainfall amount and timing, and time of year). This would be spelled out in the Habitat Restoration Plan prepared by a Habitat Restoration Specialist, both being subject to approval by the regulatory agencies.

B-1a Provide restoration/compensation for impacted sensitive vegetation communities.

Location	All areas disturbed by construction activities.
Monitoring/ Reporting Action	BLM and CPUC shall approve habitat restoration plans, habitat acquisition plans, and long-term habitat management plans, and ensure their implementation. CPUC/BLM biological monitor shall confirm that proposed habitat restoration mitigation plans are implemented.
Effectiveness Criteria	Habitat restoration plans are implemented and meet success criteria. Long-term habitat management is provided for all mitigation sites.
Responsible Agency	BLM, CPUC, USFWS, CDFG, State Parks (for mitigation lands in ABDSP), and USDA Forest Service (for mitigation lands on USFS land).
Timing	Prior to, during and after construction.

Similarly, Mitigation Measure B-2a (Provide restoration/compensation for impacted jurisdictional areas, beginning on page D.2-94 of Volume 1 of the Draft EIR/EIS) states:

...Wetland permits shall be obtained from the ACOE, ~~RWQCB~~Regional Water Boards, State Water Board, and CDFG prior to initiating construction in jurisdictional areas....

...The Applicant shall identify a qualified Habitat Restoration Specialist to be approved by the CPUC, BLM, ACOE, ~~RWQCB~~Regional Water Boards, State Water Board, CDFG, State Parks (for restoration in ABDSP), and USDA Forest Service (for alternatives with restoration on National Forest lands). The Habitat Restoration Specialist shall prepare and implement a Wetland Mitigation Plan to be approved in writing by the CPUC, BLM, ACOE, ~~RWQCB~~Regional Water Boards, State Water Board, CDFG, State Parks (for ABDSP mitigation), and USDA Forest Service (for alternatives with mitigation on National Forest lands). The Applicant shall work with the above-listed agencies until a plan is approved by all.

Additionally, Mitigation Measure B-2a in Table D.2-24, Mitigation Monitoring Program – Biological Resources (beginning on page D.2-515 of Volume 1 of the Draft EIR/EIS), as follows, shows where and how Mitigation Measure B-2a is to be applied (i.e., all locations with impacts to jurisdictional areas and prior to, during, and after construction). The timing of restoration is dependent on not only the construction schedule but also on the proper timing for restoration activities. This would be spelled out in the Wetland Mitigation Plan prepared by a Habitat Restoration Specialist, both being subject to approval by the regulatory agencies.

B-2a Provide restoration/compensation for impacted jurisdictional areas.

Location	All locations with impacts to jurisdictional areas.
Monitoring/ Reporting Action	BLM, CPUC, and wetland permitting agencies shall approve habitat restoration plans, habitat acquisition plans, and long-term habitat management plans. BLM/CPUC biological monitor to confirm that proposed habitat restoration mitigation plans are implemented.
Effectiveness Criteria	Habitat restoration plans are implemented and meet success criteria. Long-term habitat management is provided for all mitigation sites.
Responsible Agency	BLM, CPUC, USFWS, CDFG, ACOE, RWQCB, State Parks (for mitigation lands in ABDSP), and USDA Forest Service (for mitigation lands on USFS land).
Timing	Prior to, during, and after construction.

Furthermore, Mitigation Measure B-3a (page D.2-97 of Volume 1 of the Draft EIR/EIS) requires preparation and implementation of a weed control plan for pre-construction and long-term invasive weed abatement that, according to Table D.2-24, Mitigation Monitoring Program – Biological Resources (beginning on page D.2-516 of Volume 1 of the Draft EIR/EIS), applies to the entire project area prior to, during, and after construction as follows.

B-3a Prepare and implement a Weed Control Plan.

Location	Entire project area.
Monitoring/ Reporting Action	BLM/CPUC biological monitor to confirm preparation and implementation of a weed control plan.
Effectiveness Criteria	Weed control plan prepared and successfully implemented.
Responsible Agency	BLM, CPUC, and ROW land-holding agencies (BLM, State Parks for ABDSP, USDA Forest Services for USFS lands).
Timing	Prior to, during and after construction.

With the Habitat Restoration and Wetland Mitigation Plans, the wetland permits, and the Mitigation Monitoring Program, restoration would not be postponed until project completion, and no change has been made to the Draft EIR/EIS based on this “New Proposed APM.”

The Water Board’s third “New Proposed APM” would require all vehicles and equipment to be maintained in good working order so that they are free of any and all leaks that could contact the ground. This suggestion has been incorporated into the Water Resources sections of the EIR/EIS as a new mitigation measure, Mitigation Measure H-2d, for project locations where Impact H-2 would be significant prior to mitigation (Class II). This new mitigation measure has been added for the Central East Substation (Section D.12.7), the Coastal Link (D.12.9), the Future Transmission System Expansion routes (Sections D.12.11.2 and D.12.11.4), Connected Actions (Sections D.12.12.1 through D.12.12.5), and for alternatives (Sections D.12.15.1, D.12.17.1, D.12.18.1, D.12.18.2, D.12.19, E.1.12.2, E.2.12.2, E.3.12.2, and E.4.12.2). The text of the new Mitigation Measure H-2d has been added as follows:

H-2d Maintain vehicles and equipment. All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order so that they are free of any and all leaks that could escape the vehicle or contact the ground. A vehicle and equipment maintenance log shall be updated and provided to CPUC and BLM once monthly during project construction.

BIO-APM-2 already requires personnel training, as suggested in the Water Board’s fourth “New Proposed APM.” BIO-APM-2 states:

Prior to construction, all SDG&E, contractor, and subcontractor Project personnel would receive training regarding the appropriate work practices necessary to effectively implement the biological APMs and to comply with the applicable environmental laws and regulations including appropriate wildlife avoidance and impact minimization procedures, the importance of these resources and the purpose and necessity of protecting them, and methods for protecting sensitive ecological resources.

The Water Board’s fifth “New Proposed APM” would require the project area to be clearly marked and would disallow project activities outside the project area. Both WQ-APM-3 and Mitigation Measure B-2a address this issue. WQ-APM-3 states:

Specific sites as identified by authorized agencies (e.g., fragile watersheds) where construction equipment and vehicles are not allowed shall be clearly marked onsite

before any construction or surface disturbing activities begin. Construction personnel shall be trained to recognize these markers and understand the equipment movement restrictions involved.

In addition, Mitigation Measure B-2a, presented in full in Section D.2 and Appendix 12 of the EIR/EIS states (as revised from the B-2a presented in the Draft EIR/EIS):

All limits of construction shall be delineated with orange construction fencing and/or silt fencing. All stakes, flagging, or fencing shall be removed no later than 30 days after construction is complete. If silt fencing is used to delineate the limits of construction or as part of implementation of erosion control BMPs, the silt fencing may be left in place longer than 30 days if erosion control is still necessary. During and after construction, entrances to access roads shall be gated to prevent the unauthorized use of these roads by the general public. Signs prohibiting unauthorized use of the access roads shall be posted on these gates.

Any impacts associated with unauthorized activity (e.g., exceeding approved construction footprints) shall be mitigated at a 5:1 ratio as follows, unless otherwise directed by the ACOE, ~~RWQCB~~ Regional Water Boards, State Water Board, and CDFG: restoration of the unauthorized impacts shall be credited at a 1:1 ratio; the remaining 4:1 (or 4.5:1 in FTHL MA) shall be acquired offsite.

The Water Board's sixth "New Proposed APM" would require comprehensive inspection and monitoring for environmental compliance; however, a mitigation monitoring program is already required by the California Public Utilities Code and CEQA Guidelines and is presented in this EIR/EIS. As discussed in Section I of the EIR/EIS, the California Public Utilities Code confers authority upon the CPUC to regulate the terms of service and the safety, practices and equipment of utilities subject to its jurisdiction. It is the standard practice of the CPUC, pursuant to its statutory responsibility to protect the environment, to require that mitigation measures stipulated as conditions of approval are implemented properly, monitored, and reported on. In 1989, this requirement was codified statewide as Section 21081.6 of the Public Resources Code. Section 21081.6 requires a public agency to adopt a Mitigation Monitoring, Compliance, and Reporting Program when it approves a project that is subject to preparation of an EIR and where the EIR for the project identifies significant adverse environmental effects. *CEQA Guidelines* Section 15097 was added in 1999 to further clarify agency requirements for mitigation monitoring or reporting. This EIR/EIS includes a proposed Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) for the mitigation measures proposed herein for the Sunrise Powerlink Project. An MMCRP table for the Proposed Project and the alternatives is provided at the end of each issue area's environmental analysis in Section D (D.2 through D.15).

A0033-9

The commenter states that final biological mitigation ratios should be determined once selection of a transmission line route and final accounting of post-construction project impacts has occurred, and states that all agencies that may have regulatory authority to require mitigation should be identified. Mitigation Measure B-2a includes this information as shown below.

A jurisdictional delineation and impact assessment shall be prepared based on the final alignment and final engineering plans when they are complete.

Where avoidance of jurisdictional areas is not feasible (including for emergency repairs), the Applicant shall provide the necessary mitigation required as part of wetland permitting...

...would be determined in consultation with the CPUC, BLM, Wildlife Agencies, State Parks (for mitigation in ABDSP), USDA Forest Service (for alternatives with mitigation on National Forest lands), ACOE, RWQCB, and CDFG, as part of the wetland permitting process.

Any impacts associated with unauthorized activity (e.g., exceeding approved construction footprints) shall be mitigated as follows, unless otherwise directed by the ACOE, RWQCB, and CDFG: restoration of the unauthorized impacts shall be credited at a 1:1 ratio; the remaining 4:1 (or 4.5:1 in FTHL MA) shall be acquired offsite.

The commenter also states that the mitigation measures should be a minimum starting point rather than a fixed plan. Mitigation Measure B-2a includes a range of potential mitigation ratios and locations for mitigation depending on permitting agency requirements as shown below. No change has been made to the Draft EIR/EIS based on this comment.

Mitigation ratios would range from 1:1 up to 4:1 and would depend on the sensitivity of the jurisdictional habitat and on the requirements of the wetland permitting agencies.

The location(s) of the mitigation would be determined in consultation with the CPUC, BLM, Wildlife Agencies, State Parks (for mitigation in ABDSP), USDA Forest Service (for alternatives with mitigation on National Forest lands), ACOE, RWQCB, and CDFG, as part of the wetland permitting process.

A0033-10 The commenter suggests including the State Water Board throughout Mitigation Measure B-2a and adding additional text. Mitigation Measure B-2a, therefore, has been revised as follows:

Impacts to areas under the jurisdiction of the ACOE, ~~RWQCB~~ Regional Water Boards, State Water Board, and CDFG...

...as part of wetland permitting by creation/restoration/preservation of suitable jurisdictional or equivalent habitat...

...USDA Forest Service (for alternatives with mitigation on National Forest lands), ACOE, ~~RWQCB~~ Regional Water Boards, State Water Board, and CDFG...

Wetland permits shall be obtained from the ACOE, ~~RWQCB~~ Regional Water Boards, State Water Board, and CDFG...

...shall be mitigated as follows, unless otherwise directed by the ACOE, ~~RWQCB~~ Regional Water Boards, State Water Board, and CDFG...

...extend beyond the five-year period until the criteria are met or unless otherwise approved by the CPUC, BLM, ACOE, ~~RWQCB~~ Regional Water Boards, State Water Board, CDFG, State Parks...

A Habitat Management Plan shall be prepared by a biologist approved by the CPUC, BLM, ACOE, ~~RWQCB~~ Regional Water Boards, State Water Board, CDFG...

A0033-11 The commenter's suggested rewording for the narrative text relating to Impact B-2 has been implemented as follows:

Direct and/or indirect impacts to jurisdictional Waters of the U.S. and possibly wetlands (i.e., areas regulated by the ACOE, State and Regional Water Boards, and ~~RWQCB~~ and/or CDFG) would occur from the Proposed Project.

With the suggested change made as shown above, the other suggested change to the text to state that impacts to areas regulated by the State Water Board and/or CDFG seems redundant; therefore, no change was made to the Draft EIR/EIS based on this portion of the comment.

A0033-12 The commenter's requests clarification of what constitutes an "unauthorized impact." An unauthorized impact is any direct or indirect impact (including from emergency repairs) to jurisdictional or regulated waters of the U.S. and/or waters of the State that is not already covered under agency permits.

A0033-13 The commenter is concerned that Figure D.2-7 (Sample Proposed Project Biological Resources/Impacts Map) is an example of what would be used to monitor project effects during construction. Figure D.2-7 was included as a sample within the text of Section D.2 so that the reader would get an idea of what the figures in Appendix 8A (Proposed Project Biological Resources/Impacts) and Appendices 8B through 8J (Biological Resources/Impacts for the alternatives) look like without having to view the CD on which all of the figures were provided (there were too many figures to provide paper copies of them in the Draft EIR/EIS).

The commenter's statement that similar maps should be provided to environmental compliance personnel that show construction plans overlaid on details of protected resources is acknowledged. The maps in Appendix 8A have been revised in the Final EIR/EIS and the data on these maps will be available to the mitigation monitoring team.

A0033-14 The commenter's request to properly identify affected landowners, land managers and land management agencies, and to properly identify the roles and responsibilities of those stakeholders is acknowledged. However, this request does not affect the biological resources analysis in the Draft EIR/EIS, so no change has been made to the Draft EIR/EIS based on this comment.

A0033-15 The commenter requests that the ACOE or State Water Board be consulted regarding mitigation ratios. The commenter also requests that if simultaneous mitigation for effects to waters of the U.S. and waters of the State is proposed, this mitigation be discussed. Mitigation Measure B-2a includes consultation with the ACOE and State Water Board; it has been revised as follows:

Mitigation ratios would ... depend on the ... requirements of the wetland permitting agencies. ...mitigation would be determined in consultation with the CPUC, BLM, Wildlife Agencies, State Parks (for mitigation in ABDSP), USDA Forest Service (for alternatives with mitigation on National Forest lands), ACOE, ~~RWQCB~~ Regional Water Boards, State Water Board, and CDFG, as part of the wetland permitting process.

The following text has been added to Section D.2.5 (page D.2-85 above Table D.2-7) to address simultaneous mitigation for effects to waters of the U.S. and waters of the State.

It is noted that mitigation acreage will also be required for listed and highly sensitive species (see Section D.2.11) that may overlap with mitigation required for impacts to vegetation, and that impacts to some vegetation communities that are waters of the U.S. or waters of the State may require additional mitigation (as defined in Impact B-2 and Mitigation Measure B-2a).

The commenter further requests that if unavoidable impacts occur, mitigation for the loss or adverse effect upon those waters, their functions, or their beneficial uses also be provided. The mitigation required in Mitigation Measure B-2a, as shown below, provides this mitigation.

Where avoidance...is not feasible (including for emergency repairs), the Applicant shall provide the necessary mitigation required as part of wetland permitting by creation/restoration/preservation of suitable jurisdictional or equivalent habitat along with adequate buffers to protect the function and values.... The location(s) of the mitigation would be determined in consultation with the CPUC, BLM, Wildlife Agencies, State Parks (for mitigation in ABDSP), USDA Forest Service (for alternatives with mitigation on National Forest lands), ACOE, ~~RWQCB~~ Regional Water Boards, State Water Board, and CDFG as part of the wetland permitting process. It is anticipated that the sites would be in close proximity to the impacts or in the same watershed.

A0033-16 The commenter states that at least minimal restoration should be required for impacts to non-native vegetation, developed areas, and disturbed habitat, if only to avoid invasive weed establishment, and that reasons should be given for any project-related site that would not be improved. Mitigation is not required for impacts to non-native vegetation, developed areas, and disturbed habitat (unless they support special status species) because they are not considered sensitive communities. However, Section D.2.7 (beginning on page D.2-96) of Volume 1 of the Draft EIR/EIS discusses the introduction of invasive, non-native, or noxious plant species as it could occur from the project, and Mitigation Measure B-3a includes the preparation and implementation of a Weed Control Plan that would mitigate potential impacts from invasive, non-native species in and adjacent to the right-of-way, as well at all ancillary facilities associated with the project, to a level of less than significant.

The commenter also states that the recommended mitigation ratios for permanent effects to herbaceous wetland, freshwater, streams, riparian scrubs, riparian forests, and woodlands should be no less than 3:1. The mitigation ratios were developed in consultation with the USFWS, BLM, and State Parks and are based primarily on the requirements established in regional habitat conservation plans and also on mitigation required for other projects. All permanent effects to riparian forests and woodlands are already required to be mitigated at a 3:1 ratio as shown in Table D.2-7 (page D.2-85) of Volume 1 of the Draft EIR/EIS. Additionally, text has been added to Section D.2.5 (see Response to Comment A0033-15) to explain that additional mitigation (i.e., in addition to that shown in Table D.2-7) may be required by Mitigation Measure B-2a (Provide restoration/compensation for affected jurisdictional areas) in order to further reduce impacts to wetland areas.

The commenter's statement that in the case of types dominated by tamarisk or other invasive species, the proposed 1:1 ratio may be accepted if effective eradication and mainte-

nance is proposed. Mitigation Measure B-2a requires preparation and implementation of a Wetland Mitigation Plan that must be approved in writing by the CPUC, BLM, ACOE, Regional Water Boards, State Water Board, CDFG, State Parks (for ABDSP mitigation), and USDA Forest Service (for alternatives with mitigation on National Forest lands). The plan includes five years of maintenance and monitoring, or until established success criteria are met (which could be longer than five years).

Comment Set A0034
Viejas Tribal Government



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April 11, 2008

CPUC/BLM
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

SENT VIA FAX: 866-711-3106

RE: Draft EIR/EIS, Sunrise Powerlink Project

Dear Sir or Madam:

The Viejas Band of Kumeyaay Indians (hereinafter "Viejas Band") is a federally recognized Indian Tribe as evidenced by current listing in the Federal Register at Vol. 72, No. 55, p. 13648 as the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California. The Viejas Band is a self-governing tribe exercising sovereign authority over the Viejas Indian Reservation, located on the eastern edge of Viejas Mountain. The Viejas Band also shares joint ownership (with the Barona Band) of the Capitan Grande Indian Reservation located to the north of Viejas Mountain.

In response to the Draft EIR/EIS for the Sunrise Powerlink Project, the Viejas Band submits the following comments concerning the protection of cultural and natural resources, economic development and environmental justice. These comments will be followed by a fully inclusive and more lengthy comment letter submitted as part of the government-to-government consultation process.

The Viejas and Capitan Grande Indian Reservations are the last of the homelands over which the sovereign band exercises governmental authority. The Viejas Band literally has no place else to go to avoid the wide range of impacts the community will face from the proposed alternatives. The alternative routes for San Diego Gas & Electric's proposed transmission line would severely impact the Viejas and Capitan Grande Reservations, the tribal members who live there and sacred Native American cultural sites, such as Viejas Mountain.

A0034-1

Comment Set A0034, cont. Viejas Tribal Government

According to information provided by the CPUC, the Viejas and Capitan Grande Reservations are at the crossroads for every alternative route being considered by the CPUC. The routes all converge at a point just east of Viejas. In addition, the alternate routes labeled "BDC", "D" and "I-8" are adjacent to the Viejas and Capitan Grande Reservations and/or directly cross other area reservations.

A0034-1 cont.

Accuracy of Corridor Location

The Capitan Grande Reservation was established in 1875. The true boundaries of the reservation have not been surveyed by BLM cadastral surveyors or private surveyors. Without a survey, the location of the proposed corridors on or off tribal lands is unknown. Moreover, the finding of any field investigation to determine impacts to cultural and environmental resources would be incomplete and possibly inaccurate. The BLM has surveyed the Viejas Reservation, but there are conflicting survey reports for lands in Section 21, which is a border section of the Reservation.

A0034-2

Impacts to Historical Cultural Sites

The mountain slopes located to the east of the reservation, where the "D" and "BCD" routes are proposed, are historically significant cultural areas and within the view shed of Viejas Mountain, a sacred site to the Kumeyaay. Chiquito and Poser peaks, located in the mountains to the east of Viejas Reservation may also be considered important sites to the Kumeyaay.

A0034-3

The Bureau of Indian Affairs has no records of a comprehensive cultural resource survey for the Capitan Grande Indian Reservation. The Viejas Band has requested that SWCA Environmental Consultants analyze the impact of energy corridors within a one mile radius of the Viejas or Capitan Grande Reservations as impacting historic properties of significant religious and cultural importance to the Kumeyaay that would be eligible for listing on the National Register.

Severe Visual Impacts

The proposed route would place the transmission line on a mountain slope that is highly visible from the reservation. The line would degrade pristine view sheds for tribal members and visitors alike. The view shed is identified in the Alpine Community Plan and through the Alpine Revitalization process as a critical element of the scenic highways.

A0034-4

Routes Directly Impact Other Tribal Lands

The Interstate 8 routing alternative, which follows Interstate 8, crosses land owned by the Viejas Band which is subject to a pending fee-to-trust transfer. The CPUC is essentially misleading the public that this is a viable alternative as the property could potentially be placed in federal trust before the EIR/EIS is finalized. Project maps and newspapers provide conflicting reports on the need and location of a substation on land owned by the Viejas Band.

A0034-5

Proposed Wilderness Area

The north south corridor also crosses forest service lands that have been proposed for "road less" and "wilderness designation." The Viejas Band has worked closely with volunteers and elected officials to increase the protection for tracts of forest land without roads to preserve

A0034-6

Comment Set A0034, cont. Viejas Tribal Government

pristine wilderness and to increase the protection of Capitan Grande Reservation. Energy corridors through these lands will severely impact the ability to preserve and protect tribal lands, increase trespass, and increase the risk of wild fires.

A0034-6 cont.

NEPA/CEQA Nexus

The analysis of additional alternatives to the preferred SDG&E route through Anza Borrego State Parks transfers the environmental impact of the corridor from State Parks to US Forest Service. The Viejas Band requests the BLM address the impacts on state versus federal lands and tribal trust lands.

A0034-7

Risk of Wildfires

Following the January 2007 Second Round of Scoping meetings, two alternatives were eliminated because of the risk of wildfires and concurrent power outages. Now that those routes have been eliminated, how does the risk of wildfires impact each of the corridors currently in analysis?

A0034-8

Environmental Reports

The Viejas Band has requested but not received copies of the confidential cultural resource report with site records.

A0034-9

Additional Alternatives

The US Forest Service requested that an alternative be fully analyzed in the EIS/EIR that would not require an amendment to the Forest's 2005 Land Management Plan. Equal consideration should be given to other federal governments and thus, the EIS/EIR should include alternatives that would not adversely impact the economic development, cultural resources, and land use plans of the tribe.

A0034-10

Consideration of Cumulative Impacts or Segmentation of Environmental Analysis The National Environmental Policy Act requires that all known cumulative impacts of multiple projects be analyzed collectively. There are three additional corridor studies underway through the Energy Policy Act of 2005. The State of California is also designating suitable transmission corridors for high-voltage electric transmission lines to ensure reliable and efficient electricity delivery. How does the Sunrise Powerlink environmental analysis incorporate these additional projects? If not, this segmentation is inappropriate.

A0034-11

Environmental Justice

The Environmental Justice evaluation is weak. Environmental Justice refers to locating facilities in minority or economically disadvantaged communities. The purpose of the Environmental Justice evaluation is to empower disadvantaged communities and those who do not have the political clout to get fair treatment. There is no substantive socioeconomic evaluation of the proposed routes. There should be a detailed comparative analysis of the routes based on income, education, and employment, as well as, racial minority populations. If alternative routes can be eliminated and rerouted to protect the recreational areas for hang gliders, then they can certainly be eliminated to protect the limited tribal lands of the Kumeyaay.

A0034-12

**Comment Set A0034, cont.
Viejas Tribal Government**

In the late nineteenth century, the Kumeyaay of Viejas Indian Reservation were originally relegated to the Capitan Grande Indian Reservation, frequently referred to as the "old" reservation. The Capitan Grande Indian Reservation was to be the permanent home of this group of Diegueno or Mission Indians, comprised of the ancestors of the current Viejas and Barona Bands of Kumeyaay Indians.

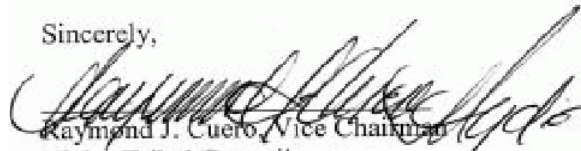
This permanent home did not last. As the non-Indian populations grew throughout the County of San Diego, demand for water increased. In the early 1930s, the most valuable part of the Capitan Grande Reservation (the San Diego River) was forcibly sold to the City of San Diego, requiring the inhabitants to find new homes. The heart of the Capitan Grande Reservation is now the site of the El Capitan Reservoir.

With the proceeds of the sale, the Bands bought new home sites including the former Baron Long Ranch in the Viejas Valley. This site became the Viejas Indian Reservation. When the Band moved to Viejas Valley in 1935, they changed their name to reflect their new home. The Viejas and Barona Bands remain the joint beneficial owners of the 16,000-acre Capitan Grande Indian Reservation. The traditional homelands have been reduced and sacred sites such as Viejas Mountain were taken from the Kumeyaay and the people were eventually confined to small reservations, which represent just a fraction of the Kumeyaay's former home.

Conclusion

The Viejas Band literally has no where else to go to avoid the wide range of impacts the community will face from the proposed alternatives. The alternative routes for San Diego Gas & Electric's proposed Sunrise Powerlink Project would severely impact the Viejas and Capitan Grande Reservations, the tribal members who live in the area and the sacred Native American cultural sites such as Viejas Mountain. The impacts cannot be mitigated and will severely impact the health, wellness and economic sustainability of the Viejas Band and future generations. For additional information regarding the Viejas Band, these comments or further information, please contact Lisa Haws, Land Use Manager at (619) 659-2341. Thank you for your attention to these issues.

Sincerely,


Raymond J. Cuero, Vice Chairman
Viejas Tribal Council
Viejas Band of Kumeyaay Indians

A0034-12 cont.

A0034-13

Responses to Comment Set A0034

Viejas Tribal Government

A0034-1 The concerns of the Viejas Tribal Government about certain alternatives are acknowledged. Please see specific responses below for each issue of concern.

A0034-2 The Tribal Government states that the boundaries of the Capitan Grande Reservation have not been surveyed, so it is not certain whether the Route D Alternative corridor is on or off tribal lands. As shown on Figure Ap.11C-71 (Appendix 11 of the Draft EIR/EIS), the Route D Alternative is located on Cleveland National Forest land within about 1,000 feet of the mapped tribal boundary, except for one location (tower S10078) that is very near the boundary. Because the environmental impacts of the Route D Alternative are more severe than those of the Interstate 8 Alternative, the Route D Alternative is not included as a part of the Environmentally Superior Southern Route. However, a mitigation measure has been added to the Land Use analysis to require completion of a survey if the Route D Alternative is selected. The new language, presented in Section E.3.4.2, is as follows:

As noted in the comment on the Draft EIR/EIS from the Viejas Tribal Government, the Capitan Grande Reservation boundaries have not been surveyed. It will be important to determine the exact boundary of the Capitan Grande Reservation to ensure that the Route D Alternative is not located on tribal land. In order to verify the boundary, Mitigation Measure L-1j is required.

Mitigation Measures for Impact L-1: Construction would temporarily disturb land uses at or near the alignment

L-1a Prepare Construction Notification Plan.

L-1j Perform boundary surveys. SDG&E shall perform surveys to define the boundaries of the Capitan Grande Reservation where that boundary is within ½ mile of the Route D Alternative centerline. If the transmission line is found to be located on reservation land, SDG&E shall prepare a reroute and submit it to the CPUC, BLM, and USFS Cleveland National Forest for review and approval.

A0034-3 The Viejas Tribal Government's concern about the potential impact of SWPL Alternatives to the viewshed of mountains that are sacred or important to the Kumeyaay is noted. The text of impacts to Traditional Cultural Properties in Section E.3.7.2 (Volume 4) of the Draft EIR/EIS has been changed, as follows:

Impact C-4: Construction of the project would cause an adverse change to Traditional Cultural Properties (Class I or II)

~~To date, no TCPs have been identified within the Route D Alternative. However, t~~
The Sacred Lands File search conducted for the alternatives noted that lands sacred to Native Americans are present in the vicinity of the alternatives, in undisclosed locations. To date, no TCPs have been identified within the Route D Alternative. However, the Viejas Tribal Council (Viejas Band of Kumeyaay Indians) has indicated that the D Alternative would adversely impact the viewshed of Viejas Mountain, sacred to the Kumeyaay, and Chiquito and Poser Peaks, important to the Kumeyaay. The BLM, as the Federal Lead Agency under NEPA and Section 106 of the

NHPA, has initiated government-to-government consultation with appropriate Native American groups and notification to other public groups regarding project effects on traditional cultural values. Further That consultation will determine whether there these important mountains qualify as TCPs are and whether there are other TCPs that could be affected within this segment. Though impacts to TCPs are often Class I, mitigation, as defined by NEPA (in King, 2003), can include “minimizing impacts by limiting the degree or magnitude of the action...,” rectifying or reducing the impact, and/or “compensating for the impact by replacing or providing substitute resources or environments,” which when properly coordinated with Native Americans or other traditional groups can potentially reduce the impact to Class II. Implementation of Mitigation Measure C-4a (Complete Consultation with Native Americans and other Traditional Groups) would potentially reduce impacts to TCPs to less than significant levels (Class II), but in some cases impacts would remain significant (Class I).

The Viejas Tribal Council requested that neither the Viejas nor the Capitan Grande Reservations be included in the cultural resources records searches or the pedestrian survey conducted for the analysis of alternatives in the EIR/EIS. The complete 0.5-mile-wide records search of other non-reservation portions of the alternatives and the 30 percent intensive survey were used to project the types and quantities of resources that would be found in the remaining portion of the corridor, including tribal lands. Those projections are included in the disclosures in the EIR/EIS regarding the potential for impacts to resources of cultural and religious importance to the tribes.

A0034-4 The visual analyses presented for both the Interstate 8 and Route D Alternatives conclude that these alternatives would result in significant and unmitigable (Class I) visual impacts. Of the various Class I impacts identified for those two alternatives, the visual impact associated with the I-8 Alternative’s I-8 span and documented by Key Viewpoint 52 (see Figure E.1.3-10B), would be similar to the impact that would be caused by the I-8 span near the Viejas Reservation. Similarly, the Class I impacts documented for the Route D Alternative’s Key Viewpoint 64 along Boulder Creek Road (see Figure E.3.3-1B), would be similar to those impacts that would be caused by the Route D Alternative along the eastern boundary of the Viejas Reservation.

A0034-5 The Interstate 8 Alternative, as defined in preliminary engineering by SDG&E, would require access roads on a parcel currently owned in fee by the Viejas Band. This segment of the Interstate 8 Alternative is not included in the Environmentally Superior Southern Route, because it would be avoided by use of the Modified Route D Alternative. In addition, the potentially affected area is within a segment of the Interstate 8 Alternative (east of Alpine) that would not be accepted by the Cleveland National Forest, as described in its comment letters on the Draft EIR/EIS (see letters in Comment Set A0009).

In its comments on the Draft EIR/EIS, SDG&E suggested the “Pine Valley I-8 Non-motorized Avoidance Revision” that would avoid this impact to Viejas land (see Response to Comment E0004-144). However, this reroute was not accepted by the CPUC/BLM because it would pass through areas of the Cleveland National Forest that the Forest believes are not appropriate for a transmission line based on its land use zones.

In order to ensure that neither the ROW nor the access road would affect Tribal Land, Mitigation Measure L-1k (Relocate transmission components to avoid Viejas land) has been added to Section E.1.4, as shown below.

Viejas Reservation. SDG&E's preliminary engineering for the Interstate 8 Alternative resulted in two areas within this Interstate 8 Alternative where the transmission components could affect Viejas Reservation land. The first occurrence is where SDG&E located a tower immediately outside of the Viejas Reservation (tribal trust land) so the 200-foot-wide ROW would extend slightly within the Viejas Reservation. However, no towers, lines, or temporary construction areas would be located on Tribal Land. To ensure that the alternative ROW would not cross the Viejas Reservation, in the event that this alternative route is approved, the ROW would be narrowed in this area so it would not affect Tribal Land. The second area with potential for Viejas Tribal land to be affected is where an access road, designed by SDG&E, would be located on a parcel of Viejas land currently owned in fee, but proposed for transfer to tribal trust land. In a comment letter on the Draft EIR/EIS, the Viejas Tribe stated its opposition to routes with direct effects on its land. Therefore, Mitigation Measure L-1k (Relocate transmission components to avoid Viejas land) is presented to ensure that the Interstate 8 Alternative would not have direct effects on tribal trust lands, or lands pending fee to trust transfer, unless approved by the tribe.

L-1k Relocate transmission components to avoid Viejas land. If the Interstate 8 Alternative is approved, all transmission towers, right-of-way, access, roads, and pull sites that would directly affect Viejas tribal trust land (or land pending fee to trust transfer) shall be modified to avoid tribal land, unless approved by the Tribe.

- A0034-6 The commenter states that the Route D Alternative would traverse proposed wilderness areas, thereby impacting the effort to preserve tribal land and increasing the risk of trespass and wildfire. With regard to proposed wilderness areas along the Route D Alternative, please refer to Response E0003-162. Please refer to General Response GR-9 for a discussion of fire risk along northern and southern alternative routes.
- A0034-7 The Draft and Final EIR/EIS consider impacts of the Proposed Project and all alternatives on federal land and on tribal land. The Recirculated Draft EIR/Supplemental Final EIS (in Section 5) and the Final EIR/EIS (in the Executive Summary) present additional information about comparison of the Northern and Southern transmission line routes.
- A0034-8 Please see General Response GR-9 and Sections D.15, E.1.15, E.2.15, E.3.15, E.4.15, and E.7.1.15 of the EIR/EIS.
- A0034-9 Two separate survey reports documenting the archaeological studies and findings are in the final stages of preparation and agency review. One survey report was prepared by SDG&E for its Proposed Project corridors. A second report, prepared for the BLM and CPUC, details the findings of surveys for all of the alternatives considered. These reports will be available following review by the CPUC, BLM, USFS, and ABDSP. Confidential site records and site location maps will be made available to each Band for resources in the vicinity of its reservation through BLM's Section 106 consultation process, which begins with a series of tribal meetings in September and October of 2008.

- A0034-10 The commenter notes that alternatives should not adversely impact economic development, cultural resources, and land use plans of the tribe. Alternatives were developed that would avoid tribal lands across both the northern and southern routes. The EIR/EIS considered many alternative routes before identifying an environmentally superior alternative. Appendix 1 Alternatives Screening Report presents a detailed discussion of how alternatives were identified and screened for the Sunrise Powerlink Project. The alternatives were developed as a result of public and agency input received during the scoping process. Over 100 alternatives or combination of alternatives were identified and screened in the Alternatives Screening Report. In the Alternatives Screening Report, the alternatives were compared with regard to their ability to meet project objectives and their feasibility. As a result of the screening process, the EIR/EIS evaluated the Proposed Project and 27 alternatives with regard to environmental impacts associated with the alternatives, including cultural resources as identified in the comment. The EIR/EIS also included an evaluation of land use policies and plans for all jurisdictions along the Proposed Project and alternative routes including land use plans. However, most tribal government land use plans were not publically available or accessible for use in the report. Response A0006-07 includes applicable policy information on two tribal government land use documents. Further, socioeconomic issues were addressed in the EIR/EIS; however, economic development was not addressed because it is not a required issue area in environmental documents.
- A0034-11 The commenter requests information on how the environmental analysis incorporates the federal West-wide Energy Corridor Project and the corresponding California State effort to develop a corridor planning process. Please refer to Response B0037-2.
- A0034-12 Comments on the history of the Indian Reservation are acknowledged. Please refer to Response A0006-03 for more information on the environmental justice evaluation and the comparative socioeconomic information requested in the comment.
- A0034-13 The Viejas opposition to all transmission routes is acknowledged.