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Chaparral ragwort, *Senecio aphanactis*, Rare, threatened or endangered annual herb, in California, and in Southeastern San Diego County within the Jacumba Quad

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Parry's tetracoccus, *Tetracoccus dioicus*, Rare, threatened or endangered deciduous shrub, primarily in San Diego County and within the Jacumba Quad

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East San Diego County MSCP Plan - Species List

www.co.san-diego.ca.us/dplu/mscp/ec_species.html

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California Environmental Quality Act (CEQA) Omissions

California's Environmental Quality Act contains at least 28 requirements to protect the environment and provide alternatives to damages. Apparently, no new overhead high power line can fulfill these requirements, since projects such as the Sunrise Powerlink are extraordinarily and needlessly damaging. Fortunately, there are extremely low impact, higher capacity, safer and lower cost alternatives available which we have described in great detail, that do not interfere with full compliance or the intentions and requirements of the California Environmental Quality Act. Further, we are asserting that the Sunrise Powerlink as proposed is in direct violation of all 28 sections of the California Environmental Quality Act as listed below and emphasized in larger blue type.

PUBLIC RESOURCES CODE, SECTION 21000-21106

California Environmental Quality Act (CEQA)

Chapter 1: Policy, § 21000. Legislative intent

The Legislature finds and declares as follows:

- (a) **The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.**
- (b) **It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.**

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(c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.

§ 21001. Additional legislative intent

The Legislature further finds and declares that it is the policy of the state to:

(a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

(c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.

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(d) Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

§ 21001.1. Review of public agency projects

The Legislature further finds and declares that it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration under this division as that of private projects required to be approved by public agencies.

§ 21002. Approval of projects; feasible alternative or mitigation measures

The Legislature finds and declares that **it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects**, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such

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project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

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§ 21002.1. Use of environmental impact reports; policy

In order to achieve the objectives set forth in Section

21002, the Legislature hereby finds and declares that the following policy shall apply to the use of environmental impact reports prepared pursuant to this division:

(a) The purpose of an environmental impact report is **to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.**

(b) **Each public agency shall mitigate or avoid the significant effects on the environment of projects** that it carries out or approves whenever it is feasible to do so.

(e) To provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and **focus on potentially significant effects on the environment of a proposed project**, lead agencies shall, in accordance with Section 21100, focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant.

§ 21003. Planning and environmental review procedures; documents; reports; data base; administration of process

The Legislature further finds and declares that it is the policy of the state that:

(c) Environmental impact reports omit unnecessary descriptions of projects and **emphasize feasible mitigation measures and feasible alternatives to projects.**

(d) Information developed in individual environmental impact reports be incorporated into a data base which can be used to reduce delay and duplication in preparation of subsequent environmental impact reports.

§ 21003.1. Environmental effects of projects; comments from public and public agencies to lead agencies; availability of information

The Legislature further finds and declares it is the policy of the state that:

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(a) **Comments from the public and public agencies on the environmental effects of a project shall be made to lead agencies as soon as possible in the review of environmental documents, including, but not limited to, draft environmental impact reports and negative declarations, in order to allow the lead agencies to identify, at the earliest possible time in the environmental review process, potential significant effects of a project, alternatives, and mitigation measures which would substantially reduce the effects.**

(b) **Information relevant to the significant effects of a project, alternatives, and mitigation measures which substantially reduce the effects shall be made available as soon as possible by lead agencies, other public agencies, and interested persons and organizations.**

(c) Nothing in subdivisions (a) or (b) reduces or otherwise limits public review or comment periods currently prescribed either by statute or in guidelines prepared and adopted pursuant to Section 21083 for environmental documents, including, but not limited to, draft environmental impact reports and negative declarations.

§ 21005. Information disclosure provisions; noncompliance; presumption; findings

(a) The Legislature finds and declares that it is the policy of the state that **noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion** within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.

(b) It is the intent of the Legislature that, in undertaking judicial review pursuant to Sections 21168 and 21168.5, courts shall continue to follow the established principle that there is no presumption that error is prejudicial.

(c) It is further the intent of the Legislature that **any court, which finds, or, in the process of reviewing a previous court finding, finds, that a public agency has taken an action without compliance with**

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this division, shall specifically address each of the alleged grounds for noncompliance.

§ 21060.5. Environment

"Environment" means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.

§ 21083. Office of Planning and Research; preparation, development and review of Guidelines

(a) The Office of Planning and Research shall prepare and develop proposed guidelines for the implementation of this division by public agencies. The guidelines shall include objectives and criteria for the orderly evaluation of projects and the preparation of environmental impact reports and negative declarations in a manner consistent with this division.

(b) The guidelines shall specifically include criteria for public agencies to follow in determining whether or not a proposed project may have a "significant effect on the environment." The criteria shall require a finding that a project may have a "significant effect on the environment" if one or more of the following conditions exist:

(1) **A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.**

(2) **The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.**

(3) **The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.**

(c) The guidelines shall include procedures for determining the lead agency pursuant to Section 21165.

(d) The guidelines shall include criteria for public agencies to use in determining when a proposed project is of sufficient statewide, regional, or area wide environmental

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significance that a draft environmental impact report, a proposed negative declaration, or a proposed mitigated negative declaration shall be submitted to appropriate state agencies, through the State Clearinghouse, for review and comment prior to completion of the environmental impact report, negative declaration, or mitigated negative declaration.

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(e) The Office of Planning and Research shall develop and prepare the proposed guidelines as soon as possible and shall transmit them immediately to the Secretary of the Resources Agency. The Secretary of the Resources Agency shall certify and adopt the guidelines pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, which shall become effective upon the filing thereof. However, the guidelines shall not be adopted without compliance with Sections 11346.4, 11346.5, and 11346.8 of the Government Code.

(f) The Office of Planning and Research shall, at least once every two years, review the guidelines adopted pursuant to this section and shall recommend proposed changes or amendments to the Secretary of the Resources Agency. The Secretary of the Resources Agency shall certify and adopt guidelines, and any amendments thereto, at least once every two years, pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, which shall become effective upon the filing thereof. However, guidelines may not be adopted or amended without compliance with Sections 11346.4, 11346.5, and 11346.8 of the Government Code.

§ 21083.1. Legislative intent; interpretation by courts

It is the intent of the Legislature that courts, consistent with generally accepted rules of statutory interpretation, shall not interpret this division or the state guidelines adopted pursuant to Section 21083 in a manner which imposes procedural or substantive requirements beyond those explicitly stated in this division or in the state guidelines.

§ 21083.2. Archaeological resources; determination of effect of project; EIR or negative declaration; mitigation measures

(a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

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(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

(c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.

(d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

(k) **Any additional costs to any local agency as a result of complying with this section with respect to a project of other than a public agency shall be borne by the project applicant.**

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(l) Nothing in this section is intended to affect or modify the requirements of Section 21084 or 21084.1.

§ 21106. Request of funds to protect environment

All state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities.

The Sunrise Powerlink application violates 28 different sections of the CEQA and causes massive damages without any demonstrable need; while avoiding nondamaging alternatives such as underground DC power lines beneath highways, which do not inflict damages to the environment, property, community or our health, while providing for an increase in capacity, efficiency, safety and reliability, as well as decreasing costs.

<http://www.ceres.ca.gov/ceqa/stat/>

http://www.ceres.ca.gov/ceqa/stat/Ch_1.html

Unfortunately, the agenda of campaign contributors is rarely well thought out, all that influence dedicated to creating a disastrous future, including an inadequate plan to deliver a few percent of San Diego's sustainable energy need. Nevertheless, thousands of people responded to the environmental threat of over 22 square miles of bulldozing and environmental destruction no matter what route is chosen. While we agree with

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SDGE that the Southern Route would be more environmentally destructive, we are far more puzzled why SDGE does not immediately adopt a completely underground route and install a 3,000 to 5,000 megawatt cable pair, or cables with a 3,000 square millimeter copper cross section, that would allow say 1,000 megawatt upgrades at the converter stations, starting at 1,000 or 2,000 megawatts with incrementing by 1,000 megawatts up to perhaps 3,000 megawatts or more; then going to the other side of the road to drop in another 5,000 megawatt cable pair as needed, 5 feet underground, which is not a particularly difficult trench to dig with large rotary trenching equipment, which should be much faster to install than building 700 huge pylons with roads to mountain tops for huge cranes to erect 700 of the 170 foot tall tower monstrosities, to suspend arrays of cables 450 feet above our valleys. This is a genuine nightmare to practically anyone who lives in eastern San Diego County, and everybody in the city of San Diego, except of course the thousands of Chamber of Commerce leaders who would bulldoze the planet if it could earn them \$50. Based on my experience they are not about to consider a nondestructive alternative, even if they were sure it would cost them less, and that may be the only predicament in this entire CPUC review process, -- intentional destructive behavior. Well we might notice that it is against the law, and consider enforcing the laws of California.

The less politically connected majority have long understood the duplicity of the political and the judicial process, and are consciously reduced to begging for some consideration at CPUC meetings, to protect California's eternal treasures. Apparently the people know that they are at the mercy of decision makers who can create arbitrary and massive impacts on the region, without even understanding the alternatives available. No commissioner, not even the governor has understood the issues and told the people that they would not put up with the environmental destruction proposed by SDGE. We have only suggested that there are more significant issues at stake to SDGE, the people and the State than political control, that SDGE and the State may not

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have had the patience to consider, involving: capacity projections, environmental damages, full restitution and non damaging alternatives that define the resolution of a needless 3 way struggle between energy, the environment and regulation, or between industry, the people and the government, that can ultimately be damaging to everyone, which fortunately can be reconsidered from an engineering and economic perspective so that each of the 3 factions fully succeed, which we have tried to illustrate in as clearly a way as possible, which may well have been ignored, in favor of sustaining existing conflicts, in spite of researching and documenting a resolution process that benefits SDGE, by offering all the cable capacity that could ever be wanted while saving Sempra many billions of dollars, at the same time fully protecting the environment by completely avoiding any new routes for overhead high power lines, while offering the governor and the CPUC potential accolades for resolving, perhaps everyone's fundamental needs.

Further, everything being said here can be easily proven or discarded based on known or measurable engineering and economic data, all of which we can statistically analyze in greater detail based on much more field work, which has not been provided by SDGE or the CPUC. The history of politics has been to avoid engineering and economic solutions to our energy requirements, and to start phenomenally costly wars to influence the price of oil which we never needed, and now have proven we can't even control, because our inept billionaires want to maintain a strangle hold on our labor, our resources, our decisions and our lives. You might think that their extraordinary failures over the past 3 decades might have lead to some questioning their failed strategies, which has left America with over \$90 trillion in debt. However, being the heirs to power and media influence, their decisions are still considered infallible or ultimately unquestionable by the mass audience. Unfortunately, the CPUC review process has not been allowed to go nearly far enough to allow the analysis and resolution of any major issue, leaving the matter of power line capacity, future damages,

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full restitution, environmental and property destruction, all as matters of conjecture to be arbitrarily and perhaps brutally decided.

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The future energy needs of the state, the environment, property and health are not irrelevant details that can be arbitrarily decided without information by people who may not care about such issues, without adequate engineering, economic and environmental data, without measuring all the obvious categories of damages, the economic losses, full property replacement requirements and restitution. Unfortunately, several of the most significant issues were completely avoided by the CPUC review, although certainly mentioned by a few people at public hearings. Perhaps the deadlines and procedures governed the content of the review process, instead of resolving the significant technological, economic and environmental issues. Apparently, an abbreviated review could allow for a damaging decision. No matter where the overhead Powerlink is placed, there will be massive and completely needless damages. The problem is with the technology. The overhead Powerlink offers far more damages than benefits, saves nothing for SDGE, offers no political benefit for the governor, and doesn't even minimally serve the future of sustainable generation facilities in Imperial County. While we have a difficult time understanding how this could not be extraordinarily obvious to anyone who has spent even a little time considering the fundamental issues, we have of course noticed the extraordinarily limited range of possibilities being considered in the CPUC review process, with a limited appreciation of the parameters for each option, while the government of China has been traveling to Sweden to examine its own UHVDC options, in order to deliver 6,400 megawatts at +/-800 kV on each power line for at least 18 powerlinks, plus an additional 10 power lines with up to 3,000 megawatts capacity, all at considerably lower costs than the systems being proposed by SDGE (see Appendix F for details). Our efforts also include a strategy for future expandability which could eliminate any significant need to repeat such review complexities, without inhibiting future expansion options, or impacting the environment.