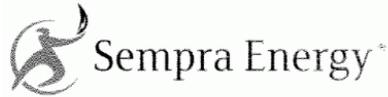


Comment Set I0001
San Diego Gas & Electric Company



August 22, 2008

CPUC/BLM
c/o Aspen Environmental Group
235 Montgomery Street, Suite 395
San Francisco, CA 94104

Re: A.06-08-010 – Sunrise Powerlink

Dear Ms. Blanchard:

San Diego Gas & Electric Company (SDG&E) submits the following comments to the California Public Utilities Commission (CPUC) and the Bureau of Land Management (BLM) on the Sunrise Powerlink Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the proposed Sunrise Powerlink Project.

I0001-1

**The Top Ranked Alternatives Are Infeasible, Do Not Meet the Project Objectives
and/or Could Cause Substantial Delay**

In Section 5, the RDEIR/SDEIS includes a slightly revised ranking of alternatives from the rankings in the initial DEIR/EIS with the development of a new Environmentally Superior Southern Route (ESSR) (and UCAN's Modified Southern Route and its "Jacumba to Sycamore Route") as well as the addition of SDG&E's Enhanced Northern Route as alternative #7, but the overall results remain the same. (RDEIR/SDEIS at 5-1.) As SDG&E stated in prior comments on the DEIR/EIS, the ranking is not logical or practical on the basis of meeting system reliability, accessing sufficient renewable resources to meet state mandates, and feasibility of timely obtaining the necessary approvals required for construction. As discussed below and in SDG&E's prior comment letters, SDG&E's Proposed Project and the Enhanced Northern Route offer the best way to achieve project and state objectives. If the CPUC determines that a southern routing option is preferable for the project, then SDG&E believes its Modified Southern Route with the Coastal Link components of the Proposed Project¹ is best. With respect to any southern route, SDG&E will continue its efforts to overcome the potential approval and

¹ The RDEIR/SDEIS asserts that the new ESSR as illustrated in Figure 5-1 is the same as SDG&E's Modified Southern Route except for the Star Valley Option, which is in SDG&E's Modified Southern Route but not the new ESSR. The Final EIR/EIS should make clear that another difference between the two routes is that the new ESSR includes the Coastal Link System Upgrades Alternative, which is not part of SDG&E's Modified Southern Route. Although SDG&E's Modified Southern Route has slight changes from that proposed in the Phase 2 proceedings, the arguments herein with respect to the advantages of SDG&E's Modified Southern Route equally apply.

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construction challenges, as identified in its Phase 2 testimony², prior comments³ and summarized below.

I0001-1 cont.

A. Ability to Provide System Reliability

SDG&E demonstrated in prior comments and in Phase 2 testimony that neither the non-Sunrise alternatives nor Aspen's Northern Route are feasible. Because such alternatives will not be built, they do not provide system reliability. SDG&E believes that the most feasible Sunrise alternatives are SDG&E's Enhanced Northern Route, SDG&E's Proposed Project and, to a lesser extent, SDG&E's Modified Southern Route. The Western Electricity Coordinating Council has determined that to satisfy applicable grid reliability criteria the southern routes will require implementation of a system protection scheme to provide adequate protection of the grid. A similar requirement has not been imposed for the northern routes. As a result, up to 1000 MW of customer load would be lost to protect the system under a certain transmission contingency condition for a southern route, but such a customer outage is much less likely to occur if a northern route is selected because that transmission contingency condition is far less likely to exist.⁴ Accordingly, the northern routes provide better system reliability than the southern routes.

I0001-2

While the future generation assumed in Aspen's In-area All-Source Generation Alternative would be sufficient to provide system reliability for the San Diego area in 2010 and later years if it comes to exist, and while the future generation assumed in Aspen's In-area Renewable Generation Alternative would be sufficient to provide system reliability for the San Diego area in 2016 and later years if it comes to exist, these alternatives are infeasible. As SDG&E has previously testified and commented in its prior letters on the DEIR/EIS, Aspen relies on conventional and renewable generation projects that are hypothetical, stalled, abandoned or strongly opposed by communities and local government agencies, thereby increasing the uncertainty of project completion, if at all, in time to meet local reliability requirements.

The CPUC has recognized that prudent utility planning, in assessing the need for proposed new transmission, does not assume the existence of new generation that is not under construction (when planning five years ahead) or fully permitted (when planning ten years ahead). The reason is simple - a utility's obligation to ensure reliable electric service in accordance with CAISO requirements cannot rest upon the possibility that new generation or transmission resources may exist when there is no firm evidence (construction or permits, depending upon the timing of need) that such resources will exist when needed. Both CAISO Grid Planning Committee Guidelines and the CPUC's *Valley Rainbow* and *Jefferson-Martin* decisions make plain that none of the assumed future generation units should be considered in evaluating the need for Sunrise. In its *Valley Rainbow* decision, the CPUC considered what assumptions about new generation were reasonable in assessing the need for a transmission line

² See, e.g., SDG&E's Phase 2 Direct Testimony, Ex. SD-36, Ch. 8 and 10 discussing SDG&E's Modified Southern Route and Aspen's Southern Route, respectively.

³ See SDG&E's comment letter #4 dated 4/11/08; see generally, SDG&E's Phase 2 Direct Testimony, Ex. SD-35 and 36.

⁴ The southern routes are adjacent to the existing Southwest Powerlink (SWPL) for many miles while the northern routes are adjacent to SWPL for a very small number of miles.

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project. It concluded that “[s]tandard industry practice indicates that we should include proposed generating units that are under construction or have received regulatory permits in the resource mix for transmission planning purposes unless there is compelling evidence that the future of such plants is in question.” (D.02-12-066 at 33.)

I0001-2 cont.

In its *Jefferson-Martin* Decision, the CPUC confirmed this standard in assessing the need for a new PG&E transmission line in light of claims that new generation would be available at some point in the future. The CPUC found (D.04-08-046 at 43):

Inclusion of the four CCSF turbines in the resource mix used to assess need for the Jefferson-Martin project would not be consistent with the ISO’s guidelines for either five-year or ten-year planning cases, since they have not received regulatory permits. We take official notice of information on the CEC’s website indicating that an Application for Certification was filed ... for three of the four turbines. In light of the on-going controversy about the turbines and the early stage of their certification process, we do not have sufficient confidence that the three CCSF combustion turbines subject to that application will be constructed in a timely fashion to warrant deviation from standard industry practice and include them in the resource mix used to evaluate need for the Jefferson-Martin project.

The CPUC further noted that no party in that proceeding even suggested that the CPUC should include in the resource mix used to assess the need for the *Jefferson-Martin* transmission line a “previously planned Potrero Unit 7 since Mirant has withdrawn its Application for Certification at the CEC.” (*Id.* at 25.)

Thus, the In-Area, All-Source Generation Alternative must be rejected as a viable option on this basis alone. Also, there is no evidence in the record that would suggest that the CPUC should deviate from its past recognition that reliance on the speculative future existence of possible generation imprudently puts SDG&E’s ability to ensure reliable electric service at risk.

These criticisms apply equally to the TE/VS Interconnect Alternative (also referred to as the “LEAPS Transmission-Only Alternative”). The Nevada Hydro Company’s (TNHC) application for a Certificate of Convenience and Necessity (CPCN) for the TE/VS Interconnect has still not been found to be complete by the CPUC. TNHC filed a revised Proponent’s Environmental Assessment (PEA) on July 22, 2008 in response to the CPUC’s second deficiency letter dated March 6, 2008, but there appear to be continued issues with TNHC’s revised PEA. Further, TNHC has proposed a project that cannot achieve even 500 MW of increased import capability claimed by TNHC without substantial network additions to SDG&E’s transmission system. When the costs of these network additions are taken into account, the total annual net benefits of this alternative are substantially less than the Proposed Project and SDG&E’s Enhanced Northern Route.

I0001-3

In sum, the non-wire alternatives still do not provide the necessary system reliability, and the northern route alternatives have been determined substantially more reliable than the

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southern route alternatives. Improving system reliability is a key project objective and critical to San Diego consumers.

I0001-3 cont.

B. Ability to Facilitate Renewable Energy

I0001-4

Since the Sunrise application was filed, more than 6600 MW of diverse renewable generation, including wind and solar, in the Imperial Valley, eastern San Diego County, and adjacent northern Mexico that could be facilitated by Sunrise has applied to the CAISO interconnection queue. In addition as of June 6, 2008, more than 2000 MW of renewable generation from the Imperial Valley region is on the Imperial Irrigation District (IID) interconnection queue. In contrast, the Tehachapi transmission upgrades were justified and approved based on 4300 MW of generator interconnection requests, all of which are limited to wind energy. In addition, SDG&E has received substantial bids for renewable resources that would be facilitated by the development of Sunrise, yet it has received no bids from the Tehachapi region in its last two renewables Request for Offers (RFO).

Moreover, the CAISO has adopted an 1150 MW dispatch limit on the SWPL between the Miguel Substation and the Imperial Valley Substation, potentially preventing thousands of MWs of proposed new renewable generation from ever being developed. Thus, without Sunrise, the CAISO has determined that only a small fraction of the more than 7000 MW of renewable generation that is currently in the CAISO queue could be developed and simultaneously dispatched. Given the existing system's constraints and that SDG&E depends on Imperial Valley renewables to meet its Renewable Portfolio Standard (RPS) goals, without Sunrise SDG&E cannot economically obtain sufficient renewable energy to meet its 20% RPS goals let alone meet a 33% RPS goal the State is contemplating.

Neither Aspen's In-area All-Source Generation Alternative nor its In-area Renewable Generation Alternative allow access to sufficient amounts of feasible and cost effective renewable potential that would allow SDG&E to meet the state's RPS goals.

Aspen's TE/VS Interconnect Alternative provides at best indirect access to renewables north of San Diego and no plausible access to the Imperial Valley region renewable potential. And none of the top three ranked alternatives mitigate the CAISO's dispatch limit for generation directly connected to Imperial Valley substation or to SWPL between Imperial Valley and Miguel Substations.

I0001-5

Among the Sunrise alternatives, the Proposed Project and the Enhanced Northern Route would most effectively and reliably increase the export capability of the Imperial Valley renewable resources into the CAISO system. Further, because either the Proposed Project or the Enhanced Northern Route also traverses within a few miles of a significant transmission improvement that IID is considering the Bannister Substation and the Midway to Bannister Line significant benefits can be realized by IID, including the increase of export capability for Imperial Valley renewable projects. With any southern route, there would be no easy connections from Sunrise to IID's transmission system, and energy exports from IID that would use the capacity made available by Sunrise would occur only at Imperial Valley Substation.

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Neither SDG&E's Modified Southern Route nor the new ESSR provide as much diversity to interconnect renewables in Imperial Valley as a northern route. This is because these alternative routes do not go near the geothermal potential areas near the Salton Sea or the solar potential in Borrego Springs. In sum, the Proposed Project or the Enhanced Northern Route best facilitate renewable energy in the Imperial Valley.

I0001-5 cont.

C. Feasibility of Obtaining Necessary Approvals and Construction

SDG&E's Proposed Project is the culmination of years of careful planning and collaboration to identify the optimal routing for a 500 kV transmission line that would provide access to the renewable resources of the Imperial Valley in a cost-effective and reliable manner. SDG&E's Proposed Project is feasible. SDG&E carefully selected the Proposed Project to primarily follow already-disturbed transmission corridors and existing linear features, consistent with the Garamendi Principles and CEC policy. The route deviates from these corridors and features where doing so is necessary to avoid or minimize environmental or other impacts.⁵ The Proposed Project does not cross any Indian Reservation lands or any lands within the Cleveland National Forest (CNF).

I0001-6

SDG&E acknowledges that there will be regulatory processes that also must be followed to site Sunrise through Anza Borrego Desert State Park (ABDSP), either along the Proposed Project or the Enhanced Northern Route. However, given the years of discussions that have occurred about the project between SDG&E and State Parks, the General Plan language providing for future utility facilities, and the extensive environmental review that has already been performed to date specifically evaluating the impacts of these two routes on the Park, there is no reason that these regulatory processes could not be completed in an expeditious fashion.

I0001-7

Contrary to the conclusion in the DEIR/EIS, SDG&E believes that the project can be sited without amending the ABDSP General Plan because California law holds that no general plan revision is required if the undertaking is "necessary for the protection of public health and safety." (Cal. Pub. Res. Code § 5002.2 - providing also that no general plan amendment is required "if the only development contemplated by the department consists of the repair, replacement, or rehabilitation of an existing facility".) Ensuring reliable power and preventing blackouts with the implementation of the Sunrise Powerlink is a matter of public health and safety.⁶ Even if a General Plan amendment is required, however, the amendment should be minor and consist only of a slight adjustment to certain wilderness boundaries within the Park to reflect a wider transmission corridor and to accommodate the minor deviations from that corridor requested by State Parks.

The Enhanced Northern Route, similarly, builds on those years of careful planning by following the Proposed Project for the most part, but deviating in certain locations to minimize environmental and other impacts, for example, by staying entirely within the existing transmission corridor through ABDSP to eliminate direct impacts to administratively-designated

I0001-8

⁵ SDG&E's Phase 2 Direct Testimony, Ex. SD-36 at 7.1.

⁶ SDG&E's Phase 2 Direct Testimony, Ex. SD-36 at 7.2 (implementation of Sunrise to ensure reliable power and prevent blackouts); Cal. Pub. Util. Code § 334 (recognizing that the importance of electrical system reliability is "of paramount importance to the safety, health, and comfort of the people of California").

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state wilderness. Additionally, the Enhanced Northern Route does not cross any Indian Reservation lands. Because SDG&E determined that it would be preferable for Sunrise to follow the CNF Existing 69 kV Route Alternative, SDG&E must obtain approval from the Forest Service for this segment, which crosses land within CNF designated as having a high scenic integrity objective. That approval will likely include an amendment to the CNF Land and Resource Management Plan.⁷ The approval and associated amendment required would likely take the form of a project specific, non-significant amendment that would be made at the time of the Forest Service's decision on the project.⁸ This process is not expected to delay or impede the in-service date for the Enhanced Northern Route.⁹

I0001-8 cont.

In sum, these northern routing options for Sunrise are not only feasible, but offer a good chance of ensuring that Sunrise can be constructed in a timely fashion, with the least amount of regulatory and other feasibility obstacles within substantial control of California state agencies, and can help move San Diego forward in its use of clean, reliable electric power. They should be ranked higher among the alternatives in the Final EIR/EIS.

The RDEIR/SDEIS identifies a new ESSR that avoids direct impacts to American Indian reservation land and avoids Back Country Non-Motorized (BCNM) zones within CNF. This new alternative would still require the Forest Service to amend its land management plan to address scenic integrity objectives contained in the plan and would be subject to difficulties associated with that process, including anticipated further delays (e.g., the need for additional potential environmental review and administrative appeals of any Forest Service decision). Additionally, it should be noted that environmental groups, including the Center for Biological Diversity, have recently sued the Forest Service alleging that the existing Forest Plans in southern California, including the Cleveland National Forest Plan, violate NEPA and the Administrative Procedure Act, because, among other things, the revised plans allow "damaging and resource intensive activities, such as road building."¹⁰ Thus, it is expected that implementation of any route through the forest will be substantially delayed.

I0001-9

SDG&E's Modified Southern Route would also mitigate the feasibility concerns arising from traversing Indian reservation land by avoiding the Campo and La Posta Reservations but still would require contingent Forest Service approvals. SDG&E would also prefer its Star Valley Option component. Other route constraints still remain, such as potential impacts to large archaeological districts and other eligible district areas, the significant difficulties associated with undergrounding a 230 kV transmission line in Alpine Boulevard through the unincorporated community of Alpine, and the infeasibility of locating any future 230 kV underground through Alpine Boulevard. However, SDG&E's Modified Southern Route retains the Coastal Link project components contemplated with the Proposed Project and Enhanced Northern Route. SDG&E continues to believe that its original Coastal Link proposals are preferable to the Coastal Link Upgrades Alternative contemplated by the new ESSR. In summary, SDG&E still believes

⁷ SDG&E's Phase 2 Direct Testimony, Ex. SD-36, Attachment 7-1 at 2.

⁸ SDG&E's Phase 2 Direct Testimony, Ex. SD-36 at 8.5, n.2.

⁹ Trexel, T.4251:6-14 (noting that Forest Service has indicated to SDG&E that there would be a very different process involved to approve this route segment as compared to the southern routes).

¹⁰ *Center for Biological Diversity v. U.S. Department of Agriculture*, N.D. Cal., No. 08-3884, filed 8/14/08).

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that its Modified Southern Route (as revised) is superior to the new ESSR identified in the RDEIR/SDEIS, if the CPUC is inclined to approve a southern route.

I0001-9 cont.

Analysis Appropriately Not Included in the RDEIR/SDEIS

I0001-10

Section 1.13 of the RDEIR/SDEIS appropriately dismissed requests by the City Attorney of San Diego, the Rincon and La Jolla Tribes, Bill Powers, Mussey Grade Road Alliance and the Conservation Groups for recirculation on certain topics. (See, RDEIR/SDEIS at 1-3 to 1-6.) SDG&E agrees that such requests have no merit based on the rationale for not including them in the recirculated/supplemented document set forth in the RDEIR/SDEIS, and many of the issues will be refined or clarified in the Final EIR/EIS.

General Comments

Additional comments on the impact assessment, overstatement of impacts and mitigation measures discussed in the RDEIR/SDEIS have been previously documented in SDG&E's prior comment letters on the DEIR/EIS¹¹ and other SDG&E filings with the CPUC.¹² Nevertheless, SDG&E reiterates its concerns about several impact classifications and mitigation measures in this letter with more specificity and/or additional justification as to why these discussions should be modified so that the CPUC and BLM can address them universally throughout the Final EIR/EIS. Most of the comments are set forth sequentially throughout this letter referencing the sections of the RDEIR/SDEIS.

Section 2 – Sempra Presidential Permit And Related Facilities

I0001-11

A. The Jacumba Substation Is Not A Connected Action

SDG&E continues to dispute that the Jacumba Substation contemplated by SDG&E is a "connected action" to Sunrise, despite the DEIR/EIS's and RDEIR/SDEIS's characterization of it as such.¹³ (DEIR/EIS at B-101; RDEIR/SDEIS at 2-1.) SDG&E has repeatedly stated that it intends to develop and separately permit the Jacumba Substation for renewable developers in the vicinity irrespective of whether, and where, Sunrise is ultimately approved.¹⁴ Crucial to the determination of whether actions are connected for purposes of a NEPA analysis is whether the actions can be considered "inextricably intertwined" with each other. Where, as here, the projects have independent utility, they are not connected actions, even if the presence of each

¹¹ SDG&E's comment letter #1 dated January 28, 2008; comment letter #2 dated February 11, 2008; comment letter #3 dated March 18, 2008; and comment letter #4 dated April 11, 2008.

¹² SDG&E Phase 2 Direct Testimony dated March 12, 2008 and SDG&E Phase 2 Hearing Transcripts.

¹³ Projects that are considered connected actions under NEPA (40 CFR 1508.25(a)(1)) include actions that:

- (i) are automatically triggered by the proposed action;
- (ii) cannot or will not proceed unless the proposed action occurs first or simultaneously; or
- (iii) are interdependent parts of a larger action and depend upon the larger action for their justification.

¹⁴ See, SDG&E's Motion to Clarify Assigned Commissioner's Ruling and for a Schedule Adjustment dated August 16, 2007, p. 13 ("the renewables substation is not a 'connected action' to Sunrise because the initial phase is independent of whether Sunrise is ultimately constructed"); *id.* at Exhibit Z, pages 2-3 ("SDG&E's present expectation is that this substation will be constructed absent the Sunrise Powerlink, and the need for this substation is not dependent upon the Sunrise Powerlink for its justification...").

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would compliment each other. (See *Sylvester v. U.S. Army Corps of Eng'rs*, 884 F.2d 394, 400 (9th Cir. 1989) (finding that golf course was not connected to the development of a nearby ski resort by the same developer, since "each could exist without the other, although each would benefit from the other's presence"); *Morongo Band of Mission Indians v. Fed. Aviation Admin.*, 161 F.3d 569, 580 (9th Cir. 1998) (finding that proposed flight path project to decrease congestion at LAX was not connected to larger LAX expansion project; even though flight path project would help the increased congestion expected from a bigger airport, both projects could occur independently).) As long as each project has independent utility and benefits that are not entirely dependent on the other - as is the case here - then they are not connected actions. Additionally, the not-yet filed Jacumba Substation will undergo separate environmental reviews by the CPUC, as recognized by Aspen.¹⁵ (RDEIR/SDEIS at 2-2.)

I0001-11 cont.

The RDEIR/SDEIS implies that the Jacumba Substation is for Mexican-based generation only. (RDEIR/SDEIS at 2-1: "The Jacumba Substation, required to interconnect Mexican generation to the CAISO transmission system via the existing Southwest Powerlink (SWPL) transmission line..."). The majority of the proposed wind generation would be from Mexico, but there are also potential generation projects identified in the Jacumba and Boulevard areas of East San Diego County. Therefore, the planned Jacumba Substation is needed for renewable generation projects not just located in Mexico. Based on the CAISO Generator Interconnection Queue, there are currently seven potential generation projects requesting interconnection to the Southwest Powerlink via the Jacumba Substation (when built) and two generators that seek to interconnect at the Boulevard Substation. In order to take advantage of the renewable resources and both potential and known renewable generation projects in eastern San Diego County and Mexico, a substation in the Jacumba area is critically needed. Importantly, it must be recognized that additional generation can interconnect to the Southwest Powerlink even if the Sunrise Powerlink is not developed. (RDEIR/SDEIS at Fig. 2-2, illustrating substation connection to the Southwest Powerlink.) It is a matter of congestion management. Thus, the Jacumba Substation can be built without Sunrise and has independent utility from Sunrise.

B. The RDEIR/SDEIS Vastly Overstates The Potential Impacts Associated With The Jacumba Substation And Improperly Requires Unduly Burdensome Mitigation

I0001-12

Premature and Unnecessary Mitigation. SDG&E is currently developing the PEA for its application to the CPUC for the Jacumba Substation. Until that evaluation is provided to the CPUC and analyzed under CEQA, it is premature for the CPUC to require specific mitigation

¹⁵ SDG&E does not agree that the La Rumorosa project is an indirect effect of Sunrise. Sunrise has not yet been approved, yet the La Rumorosa project is moving forward swiftly in its environmental review and permitting process. (See 73 Fed. Reg. 45218 (August 4, 2008) (Notice of Intent to prepare an environmental assessment and conduct public scoping meetings for proposed international transmission line that would originate at a wind generation facility to be located in northern Baja California, Mexico, cross the U.S.-Mexico international border, and extend one mile into the U.S. where it would terminate at a substation to be constructed SDG&E adjacent to the existing Southwest Powerlink (SWPL) 500-kV transmission line).) Further, it is well established that there is no legal requirement under NEPA to evaluate environmental impacts in Mexico, and the federal government has expressly rejected undertaking such analysis. (See DOE and BLM, *Imperial-Mexicali 230-kV Transmission Lines Final EIS*, Vol. 2 at 3-1 to 3-2 (Dec. 2004); see also *Border Power Plant Working Group v. Department of Energy*, 467 F.Supp.2d 1040 (S.D. Ca. 2006) (upholding EIS).) As such, by including impacts from Mexico associated with the La Rumorosa project in its analysis, the RDEIR/SDEIS significantly overstates the impacts from Sunrise.

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measures for that separate project. Additionally, SDG&E believes it should not be prejudiced in the not-yet-filed Jacumba Substation project by the conclusions reached in the Sunrise RDEIR/SDEIS. The Final EIR/EIS should at least provide flexibility in the mitigation until SDG&E has finalized and submitted to the CPUC the project description and impact assessment.

I0001-12 cont.

Many of the onerous and inflexible mitigation measures in the DEIR/EIS are repeated in the RDEIR/SDEIS with respect to the Jacumba Substation components. As SDG&E has previously commented, numerous requirements, the timeframes and the enormous amount of mitigation measures are unprecedented for electric transmission and substation projects licensed by the CPUC. The volume and complexity of the mitigation measures will substantially delay the in-service dates for Sunrise as well as the planned Jacumba Substation project. Further, SDG&E is concerned about these unnecessary and overly burdensome mitigation measures adversely affecting future projects. The proposed modifications to mitigation measures presented below should apply to both the Jacumba Substation, if these measures continue to be applied to the Jacumba Substation, and to the Sunrise Powerlink.

Project Design Clarifications. SDG&E provides the following clarifications for the Final EIR/EIS. Figure 2-2 shows the 69 kV transmission line entering from the north side of the proposed substation, but the line should enter from the west side. On Figure 2-5, the initial Mexico 230 kV transmission lines should enter the substation on the southwest side of the Jacumba Substation instead of the northwest. On page 2-5, the Boulevard Substation is being demolished and rebuilt adjacent to the existing substation, not expanded. The overall footprint is expected to be closer to 1 acre (not including slopes, buffer, drainage, etc.). Contrary to the discussion on page 2-6, the planned Jacumba Substation is one substation made up of two yards: a 500 kV yard and 230/69 kV yard. They are not separate substations. There is not any 230 kV equipment in the upper yard. The purpose of the separation in pads is to limit the amount of grading and minimize environmental impacts. The labels in Figure 2-5 should be changed to reflect this information.

I0001-13

On page 2-13, the rebuilt Boulevard Substation will require 1 acre for the fenced portion of the substation, not $\frac{3}{4}$ acre. Additional acreages will be required for slopes, drainage, buffer, etc. The property SDG&E is contemplating for the rebuild has changed to the property to the east instead of the northwest side. It is still a developed piece of land, and a house would still need to be removed, but there is additional space for transmission ingress and egress and it moves the transformer noise contours further away from the property line. Based on SDG&E's communications thus far, the property owner is willing to sell the property to SDG&E.

I0001-14

Also on page 2-13, a few statements should be revised as follows: "The transmission line would exit Jacumba Substation on the ~~north west~~ side and then..." and "SDG&E would purchase additional land on the ~~northwest east~~ side of the existing Boulevard substation."

I0001-15

On page 2-14, the RDEIR/SDEIS inaccurately states that SDG&E will install a tall steel monopole and remove two existing wood poles at the existing White Star communication facility (owned by San Diego County). SDG&E owns and operates a separate communications facility on an easement located adjacent to the County-owned White Star Facility. On this SDG&E

I0001-16

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facility, SDE&E will remove the two poles, shorten one existing pole, and install the new monopole. In addition, the existing control shelter will be replaced.

I0001-16 cont.

Contrary to the statement on page 2-27 of the RDEIR/SDEIS, construction of the 69kV transmission line would not result in 13.4 miles of grading. The grading quantities are overstated, due to the fact that ground disturbance will only occur for the placement of new poles and spur roads, not the entire 13.4 mile swath. The transmission line will have approximately 4.66 miles of new access roads as well as approximately 7.5 acres of grading for pole locations, work areas and pull and tension sites.

I0001-17

On page 2-85, Figure 2-3.10 is referenced but missing. Figure 2.3-4A depicts utilizing the Sunrise right-of-way (ROW) for the new 69 kV transmission line as an alternative. This alternative wrongly implies that building the 69 kV transmission line depends upon the approval of a southern route for Sunrise.

I0001-18

Biological Resources

SDG&E has two major comments regarding the biological resources assessment: (1) a comprehensive review of the wildlife habitat currently available for acquisition indicates that mitigation lands are available to address all potential project impacts and the assumption in the RDEIR/SDEIS that impacts are significant and unmitigable because habitat may not be available is unwarranted; and (2) proposed mitigation measures that would delay the start of construction based on certain preconditions are overly restrictive and should be modified to provide flexibility and reflect the common practices used to assure mitigation, such as financial guarantees. In addition, SDG&E disagrees with impact interpretations for special status plant species, desert bighorn sheep, barefoot banded gecko and avian species. Finally, SDG&E requests modifications to the mitigation measures proposed for native trees, desert bighorn sheep, nesting birds and invasive species.

I0001-19

Class I Impact Calls - SDG&E disagrees with the classification of the biological impacts associated with the contemplated Jacumba Substation identified in Impact B-1 as Class I¹⁶ and the accompanying mitigation measures throughout Section 2.2.1. The impacts are overstated and there are measures that can reduce potential impacts to an acceptable level; adequate mitigation lands are available.¹⁷ Accordingly, SDG&E requests that the Class I impacts be reduced to Class II impacts for all of the Jacumba Substation project components. Similarly, SDG&E disagrees with Impact B-7, which is incorrectly designated as Class I because purportedly adequate mitigation land upon which the wildlife depends may not be available. This should also be reduced to Class II. Again, current information indicates that adequate mitigation lands are available.¹⁸

I0001-20

¹⁶ The RDEIR/SDEIS incorrectly classifies impacts as Class I for sensitive vegetation communities, Class I for vegetation management and Class I or II for type conversion. (RDEIR/SDEIS at 2-27 to 2-28.)

¹⁷ See, SDG&E comment letters #2 dated 2/11/08 and #3 dated 3/18/08.

¹⁸ *Ibid.*

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Timing of Habitat Mitigation - SDG&E requests that Mitigation Measure B-1(a)(CA) "Mitigation Parcels/Habitat Management Plans" at page 2-32 (similar to Mitigation Measure B-1(a)) be modified in the Final EIR/EIS as follows:

I0001-21

Mitigation Parcel/Habitat Management Plans. All off-site mitigation parcels shall be approved by the CPUC, BLM, Wildlife Agencies, State Parks (for impacts to ABDSP) and USDA Forest Service (for alternatives with impacts to National Forest lands). *SDG&E will coordinate acquisition of approved mitigation parcels with the Wildlife Agencies, State Parks (for impacts to ABDSP) and USDA Forest Service (for alternatives with impacts to National Forest lands) and must be acquired prior to initiation of vegetation disturbing activities.*

As SDG&E noted in prior comments on the DEIR/EIS, SDG&E believes that this mitigation measure is onerous and infeasible and will substantially impede both project construction and mitigation implementation. Many options and potential packages of various parcels exist for appropriate biological mitigation; developing a suite of acceptable mitigation parcels involves significant time and discussion with many relevant agencies before approval. Absent more flexibility, the mitigation measure, as drafted, effectively provides other agencies with a veto power over the entire project. Moreover, the process to acquire these lands from existing landowners can take various lengths of time, and difficult to acquire parcels, of course, can take significantly longer. The biological resources impacts can be sufficiently mitigated to the required levels without the final, legal acquisition of all mitigation parcels prior to the commencement of vegetation disturbing activities. This measure should be structured to afford SDG&E greater flexibility to work with the Wildlife Agencies to ensure mitigation without unduly delaying the commencement of construction activities that disturb vegetation. Common approaches used for habitat conservation, such as placing funds in escrow or other processes to ensure that mitigation will be accomplished, should be allowed subject to approval by the Wildlife Agencies in their discretion.

Desert bighorn sheep - Several incorrect statements in the RDEIR/SDEIS regarding Peninsular Bighorn Sheep¹⁹ lead to an overclassification of impacts and to excessive mitigation requirements. For instance, the RDEIR/SDEIS wrongly states that desert bighorn sheep have a high potential to occur along the Jacumba Substation SWPL Loop-In and have the potential to occur at the proposed Jacumba Substation site. (See, e.g., RDEIR/SDEIS at 2-22.) The footprint of the Jacumba Substation and 69 kV transmission line, as indicated in Figure 2-2, are both outside of currently designated and proposed Critical Habitat for desert bighorn sheep. (USFWS 2001, 2007.) The proposed substation and eastern portion of the proposed 69 kV line are also in an area of sandy washes and gently rolling terrain that is extremely unlikely to receive even

I0001-22

¹⁹ The RDEIR/SDEIS uses an outdated taxonomic designation for desert bighorn sheep in this region of northern Baja and southern California, referring to them in Table 2-21 as Peninsular bighorn sheep (*Ovis canadensis cremnobates*) and thereafter as PBS. However, this taxonomy was revised in 1993. Under the International Code of Zoological Nomenclature (International Commission on Zoological Nomenclature 1999) the bighorn sheep subspecies found in this region is correctly referred to as desert bighorn sheep (*Ovis canadensis nelsoni*). This revised taxonomy has been in use by the United States Fish and Wildlife Service since 1998 (USFWS 1998, 2000, 2007). The bighorn sheep population in the Peninsular Ranges of southern California is listed as an endangered Distinct Vertebrate Population Segment, and is correctly referred to as "desert bighorn sheep in the Peninsular Ranges of California." (USFWS 2000.)

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transient use by desert bighorn sheep. The area is southwest and well outside of permanently occupied habitat of the Carrizo Canyon subpopulation. (Rubin et al. 1998; USFWS 1998, 2000) It is also west of the In-Ko-Pah Gorge and the I-8 “island” areas that receive transient desert bighorn sheep use. (R. Botta - CDFG, pers comm.; G. Wagner - USFWS, pers. comm.) Most of the desert bighorn sheep population lives along the east-facing slopes of the Peninsular Ranges, ranging from 300 feet to 4,000 feet in elevation, along the northwestern edge of the Sonoran Desert. No known lambing areas are located south of Interstate 8 or within 5 miles of the Jacumba project area. According to personnel at the USFWS Carlsbad office, the probability of the species occupying the portion of critical habitat south of U.S. Highway 8 and 600 feet east of the Jacumba Substation project area now or in the future is remote. U.S. Highway 8 acts as a major barrier between known populations of desert bighorn sheep and the Jacumba Substation project area. Based on the recovery plan, there are no historical observations of desert bighorn sheep for this area.²⁰

I0001-22 cont.

Although the RDEIR/SDEIS correctly states that the Jacumba Substation, SWPL loop-in will cross approximately 0.25 mile of designated critical habitat for desert bighorn sheep (RDEIR/SDEIS at 2-22), there will be no ground-disturbing activities within PBS critical habitat.²¹ The only activities anticipated to be conducted within critical habitat for the planned SWPL loop-in will take place on an existing SWPL tower, which will be accessed from an existing access road. In addition, on October 10, 2007, USFWS recommended that the boundaries of the critical habitat for desert bighorn sheep be revised. As proposed, critical habitat will be reduced in size from 844,897 acres to 384,410 acres and would not include any areas south of U.S. Highway 8, including the proposed SWPL loop-in project area.²²

I0001-23

Mitigation Measure B-7c places unjustified and unnecessary restrictions on construction and maintenance that constrain all activity into a narrow range of dates (potentially at odds with other mitigation measures) that will substantially delay the project. (RDEIR/SDEIS at 2-48.) It has also come to SDG&E’s attention that sheep spotting techniques have been successfully used in BLM areas for activities producing noise such as helicopter operations. This pre-activity on-the-ground and aerial reconnaissance that can monitor the locations, movement and activities of the sheep and direct construction to areas to avoid and minimize sheep disturbance, as well as monitoring the effects of these activities on the sheep, would provide another impact-reducing tool in lieu of the strict exclusionary scheduling currently proposed. The proposed schedule restriction would adequately protect desert bighorn sheep if it restricted helicopter construction during the time when the majority of lambing occurs (January 31 to May 1)²³ and only when construction is within 1 kilometer of occupied lambing areas (i.e., when there could be a potential effect on lambing). The restriction on work during periods of greatest water need should be stricken because there is no potential to effect the species if water sources are nowhere near the transmission line corridor. Otherwise, SDG&E can only perform construction activities

I0001-24

²⁰ Recovery Plan for Bighorn Sheep in the Peninsular Ranges of California (USFWS 2000).

²¹ Designated critical habitat can include areas not occupied by the species when it is listed under the ESA. (16 U.S.C. § 1532(5)(A).)

²² 72 Fed. Reg. 57740, 57742, 57748 (October 10, 2007) (“New information indicates that many areas included in the 2001 critical habitat designation do not support the features essential for the conservation of Peninsular bighorn sheep and/or otherwise contain unsuitable habitat or the subspecies”).

²³ Rubin, E., et al. “Reproductive Strategies of Desert Bighorn Sheep.” 81 *Journal of Mammalogy* 769-786 (2000) (finding that 87% of Peninsular bighorn sheep were born in February-April).

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between October 1 and January 31. Thus, the following modifications are proposed to be included throughout the Final EIR/EIS:

I0001-24 cont.

With regard to the timing of activities, construction and maintenance activities in bighorn sheep habitat shall be limited to outside the *period when the majority of lambing occurs and only when construction is within one kilometer of occupied lambing areas.* ~~lambing season and the period of greatest water need. The lambing season is~~ *Thus, construction shall be restricted from* February through May. ~~August. The period of greatest water need is May through September.~~ *To determine whether occupied lambing areas are located within 1 km of construction activities or whether access to water sources located within 1 km of construction activity could be interfered with, sheep spotting techniques can be employed to allow construction activities during the above-referenced months via on-the-ground and aerial reconnaissance which can monitor the locations, movement and activities of the sheep and direct construction to areas to avoid and minimize sheep disturbance, as well as monitoring the effects of these activities on the sheep. Weekly reports of the results of the sheep spotting activities and observations of sheep activity shall be provided to the BLM, CPUC, USFWS and CDFG.*

With respect to Impact B-12, the Final EIR/EIS should conclude that maintenance activities will not result in impacts to desert bighorn sheep. (RDEIR/SDEIS at 2-57 to 2-58.) The RDEIR/SDEIS incorrectly states that maintenance activities would result in disturbance to wildlife and could result in Class I impacts to desert bighorn sheep. As discussed previously, desert bighorn sheep are not expected to occur within the area of the planned Jacumba Substation, SWPL loop-in, or 69 kV transmission line; therefore, there would be no impacts due to maintenance activities at the substation and associated facilities.

I0001-25

Barefoot banded gecko - Section 2.2.1 states that barefoot banded gecko has a moderate potential to occur in the project component areas and Impact B-70 states that impacts to the barefoot banded gecko will be significant (Class I). (RDEIR/SDEIS at 2-51 and 2-52.) The presence of the barefoot banded gecko within the proposed Jacumba Substation and SWPL loop-in sites is unlikely, however, because these areas range from 2,800 feet to over 3,000 feet above sea level, and the species is not known to occur above 2,200 feet above sea level.²⁴ As a result, the species is not anticipated to be located in the planned Jacumba Project and no impacts would occur.

I0001-26

Also, with respect to Impact B-12, the Final EIR/EIS should conclude that maintenance activities will not result in impacts to the barefoot banded gecko. (RDEIR/SDEIS at 2-57 to 2-58.) The RDEIR/SDEIS states that maintenance activities would result in Class II impacts to the barefoot banded gecko. Again, the barefoot banded gecko is not expected to occur within the area of the planned Jacumba Substation, SWPL loop-in or 69 kV transmission line. Therefore, there would be no impacts to this species due to maintenance activities.

I0001-27

²⁴ CaliforniaHerps.com. 2008. *Coleonyx switaki switaki* - Peninsular [Barefoot] Banded Gecko. <http://www.californiaherps.com/lizards/pages/c.switaki.html>. Accessed August 18, 2008.