

## **Response to Document No. A1**

**Federal Aviation Administration (Diana Erazo)**

**Dated January 26, 2011**

**A1-1** This comment is noted. EIR/EIS Section A, Table A-2, Permits or Other Actions Required Prior to Construction, lists Form 7460 as a requirement for the East County Substation and Tule Wind projects.

## **Response to Document No. A2**

**Congress of the United States**  
**House of Representatives (Bob Filner)**  
**Dated February 4, 2011**

**A2-1** The requests for denial of the ECO Substation/Tule Wind/Energia Sierra Juarez projects, as well as moratorium on industrial wind turbine project applications and approval, are noted and will be included in the administrative record. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.

Please refer to common response INT1 regarding the extension of the public review period.

**A2-2** Comment noted regarding litigation status of SDG&E's Sunrise Powerlink (SRPL) project; however, the Proposed PROJECT does not rely on the SRPL project to move forward as it would loop into the Southwest Powerlink (SWPL) through the proposed ECO Substation. Section C.5.1.15, ECO System Alternative 4—Connect to the Sunrise Powerlink, of the EIR/EIS describes the alternative of the ECO Substation connecting to the SRPL instead of SWPL. This alternative would not reduce project impacts and may increase impacts if the SRPL were looped into the ECO Substation in place of SWPL, which would cause additional impacts because it would require upgrading the outlet capacity at the Sycamore Substation as compared with no upgrades required at the proposed Miguel Substation outlet. This alternative was eliminated from further analysis in the EIR/EIS as it would require additional system upgrades resulting in greater impacts when compared to the Proposed PROJECT.

**A2-3** Please refer to common responses FIRE1, FIRE2, FIRE4, FIRE5, and FIRE6 as well as responses to comment letter H4 (County of San Diego Department of Planning and Land Use). Based on the revised Tule Wind Project Fire Protection Plan (February 2011) and approval by local fire agencies, impacts to fire as the result of the Tule Wind and EJS Gen-Tie projects are reduced. Tule Wind, LLC, San Diego County Fire Authority (SDCFA), CAL FIRE, and San Diego Rural Fire Protection District (SDRFPD) had numerous meetings with the goal of reducing the fire risk of the projects and mitigating risks if a wildfire were to start. Please refer to comment E1-37a attachments D.15.1 and D.15.2, which are acceptance letters from the SDRFPD dated November 3, 2010, and SDCFA, dated February 28, 2011.

**A2-4** This comment is noted. Please refer to common responses CUL1 through CUL3 regarding BLM's consultation process with local Native Americans, discussion of how the entire ECO Substation, Tule Wind, and ESJ Gen-Tie Project areas of potential effect (APEs) were systematically surveyed for the presence of any archaeological resources and cumulative impacts on cultural resources. Please refer to common response ALT2 for a discussion on distributed generation.

**A2-5** The comment is noted. This comment does not raise specific issues related to the project or adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided.

**A2-6** The comment is noted and will be included in the administrative record. Please refer to response A2-3 regarding fire. Table D.15-8 in the EIR/EIS provides Mitigation Measures FF-3 (provide assistance to San Diego Rural Fire Protection District and San Diego County Fire Authority) and FF-6 (for one-time funding to prepare a community wildfire protection and evacuation plan). Please refer to common response FIRE6 for additional information regarding Mitigation Measure FF-6, FireSafe Council Funding. Please also refer to common response SOC1 regarding property values and common response PHS6 regarding implementation of a complaint resolution procedure in order to assure that any complaints concerning construction and operational noise are promptly and adequately investigated and resolved.

In accordance with EIR/EIS Mitigation Measure CUL-1E, Discovery of Unknown Resources, as part of the Historic Properties – Cultural Resources Treatment Plan, all collected cultural remains would be permanently curated with an appropriate institution. The comment regarding funding to construct, operate, and maintain a Kumeyaay Museum is noted and will be included in the administrative record.

## **Response to Document No. A3**

**Congress of the United States House of Representatives**  
**(Congressman Duncan Hunter)**  
**Dated March 3, 2011**

- A3-1** The comment is noted. Please refer to common responses in Volume 3, Chapter 2, of this Final EIR/EIS. Refer to Section 2.7, Noise and Vibration, for common responses related to low frequency noise, and Section 2.10, Fire and Fuels Management, for common responses related to fire hazards and home insurance rates.
- A3-2** The comment is noted and will be included in the administrative record. As described in common response PD1, this EIR/EIS analyzed the environmental effects of the SDG&E ECO Substation Project; Tule Wind, LLC, Tule Wind Project; and the Energia Sierra Juarez U.S. Transmission, LLC, ESJ Gen-Tie Project; as well as the Campo, Manzanita, and Jordan wind energy projects. The Sunrise Powerlink project was included in the cumulative analysis in Section F of the EIR/EIS. The EIR/EIS has provided adequate disclosure of the environmental impacts of the Proposed PROJECT (see EIR/EIS Sections D.15, Fire and Fuels Management, D.8, Noise, D.9, Transportation and Traffic, D.10, Public Health and Safety, D.5, Wilderness and Recreation, D.7, Cultural and Paleontological Resources, and D.16, Social and Economic Conditions).
- A3-3** The comment is noted and will be included in the administrative record. The EIR/EIS analyzed the anticipated impacts to visual resources that would occur as a result of implementation of the SDG&E ECO Substation Project; Tule Wind, LLC, Tule Wind Project; and the Energia Sierra Juarez U.S. Transmission, LLC, ESJ Gen-Tie Project; as well as the Campo, Manzanita, and Jordan wind energy projects, collectively referred to in the EIR/EIS as the Proposed PROJECT. Significance thresholds considered in the EIR/EIS Section D.3, Visual Resources, included (1) whether project construction or the long-term presence of project components would cause a substantial effect on a scenic vista; (2) whether project construction or the long-term presence of project components would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view of a State Scenic Highway; (3) whether project construction or the long-term presence of project components would substantially degrade the existing visual character or quality of the site and its surrounding landscape; (4) whether project construction or the long-term presence of the Proposed PROJECT would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area or be hazardous to motorists or pedestrians; and (5) whether construction of the Proposed PROJECT

or the presence of project components would result in an inconsistency with federal, state, or local regulations, plans, and standards applicable to the protection of visual resources. The impact analysis pertaining to visual resources is contained within Section D.3.3.3 of the EIR/EIS.

- A3-4** The comment is noted and will be included in the administrative record. Please refer to common responses CUL1 and CUL2.
- A3-5** The comment is noted and will be included in the administrative record. Please refer to common response SOC1 regarding property values. Please also refer to common response PHS3 and common response NOI5 regarding the relationship between low frequency noise generated by wind turbines and adverse health effects, as well as common response PHS2 regarding stray voltage.
- A3-6** Please refer to common response PHS3 and common response NOI5 regarding the relationship between low frequency noise generated by wind turbines and adverse health effects. Please also refer to common response NOI4 regarding the levels of low frequency noise generated by the proposed wind turbine project; common response NOI10 regarding the human response to noise generated from wind turbines; and common responses PHS3 and NOI12 regarding setbacks from wind turbine to sensitive receptors.
- A3-7** The comment is noted. This comment does not raise specific issues related to the project or adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided.
- A3-8** The comment is noted and will be included in the administrative record.
- A3-9** Please refer to response A2-2. The project as proposed does not rely on the Sunrise Powerlink as the Proposed PROJECT will interconnect with the Southwest Powerlink through the ECO Substation's SWPL Loop-In component of the project. Please also refer to common response PHS3 and common response NOI5 regarding the relationship between low frequency noise generated by wind turbines and adverse health effects, as well as common response NOI12 regarding the establishment of setbacks from wind turbines to sensitive receptors.
- A3-10** Please refer to common responses SOC1 regarding property values and FIRE1 through FIRE6 regarding fire. Please also refer to common response INT3 regarding mitigation deferral. The updated Draft Noise Analysis Report prepared for the Tule Wind Project (which characterizes construction and operational noise levels at receiving residences in the project vicinity and identifies mitigation

strategies to shield impacted residences during construction) has been incorporated into the EIR/EIS Section D.8, Noise. As stated in EIR/EIS Section D.8, Noise, operational noise associated with proposed wind turbines would be less than significant with implementation of Mitigation Measure NOI-3 (site-specific mitigation plan). The comment regarding preparation of a noise monitoring and mitigation plan and circulation of said plan for public review is noted and will be included in the administrative record.

## **Response to Document No. A4**

### **U.S. Department of the Interior, Bureau of Indian Affairs**

**(Amy R. Outschke)**

**Dated March 4, 2011**

- A4-1** This comment provides introductory information. The comment does not raise any specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- A4-2** In response to this comment, clarifications regarding the Bureau of Indian Affairs (BIA) and tribal lands were added to the EIR/EIS Executive Summary (Table ES-1); Section A, Introduction/Overview (Table A-1); Section B, Project Description (Section B.4.1); Section D.2, Biological Resources (Figure D.2-9); Section D.4, Land Use (Table D.4-1); and Section F, Cumulative Scenario and Impacts (Table F-2). EIR/EIS Mitigation Measure FF-1 is to develop and implement a Construction Fire Prevention/Protection Plan. The BIA is included in EIR/EIS Mitigation Measure FF-1 in Table D.15-8, Mitigation Monitoring, Compliance, and Reporting Program, under the monitoring action and as a responsible agency and, therefore, BIA was not added to APM No. TULE-PDF-2 in EIR/EIS Section B. These sections have been modified in the Final EIR/EIS in accordance with 40 CFR 1502.9(b). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. These changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).
- A4-3** This comment is noted and will be included in the administrative record. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.

## Response to Document No. A5

**U.S. Environmental Protection Agency, Region IX, Environmental Review Office**

**(Kathleen M. Goforth)**

**Dated March 4, 2011**

- A5-1** The comment is noted and will be included in the administrative record. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is required.
- A5-2** This comment is noted regarding the U.S. Environmental Protection Agency's (EPA's) comments on the Notice of Intent (NOI) for the Proposed PROJECT not being included in the Scoping Report. The EPA's NOI comments, received February 3, 2010, were added as an addendum to the Scoping Report and are published in their entirety in Appendix G of the Scoping Report (available online: <http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/AppxG-Vol3Addendum.pdf>).
- The EIR/EIS addressed the topics of the EPA NOI comment letter, including Statement of Purpose and Need (Section A of EIR/EIS); Alternatives Analysis (Section C of EIR/EIS); Water Resources (Section D.12 of EIR/EIS); Biological Resources, including invasive species and adaptive management techniques (Section D.2 of EIR/EIS); Cumulative Impacts (Section F of EIR/EIS); Climate Change (Section D.18 of the EIR/EIS); Air Quality (Section D.11 of the EIR/EIS); Noise (Section D.8 of the EIR); Visual Resources (Section D.3 of EIR/EIS); Coordination with Tribal Governments (Section D.7 of EIR/EIS – also see response A5-21); Environmental Justice (Section D.17 of EIR/EIS); Hazardous Materials/Hazardous Waste/Solid Waste (Sections D.10 and D.14 of EIR/EIS); and Land Use Planning (Section D.4 of EIR/EIS). Please refer to the responses that follow for responses to additional comments on the Draft EIR/EIS. Also, please refer to common responses CC1 and CC2 regarding climate change.
- A5-3** Please refer to common response INT2 regarding the adequacy of the EIR/EIS.
- A5-4** It is acknowledged that EPA agrees with the CEQA environmentally superior alternative and BLM preferred alternative. Please refer to SDG&E's comment letter (E3) that indicates their support of undergrounding a portion of the 138 kV transmission line.
- A5-5** The project applicants are working closely with the U.S. Fish and Wildlife Service (USFWS), as well as the U.S. Army Corps of Engineers (ACOE). Tule Wind, LLC is

conducting ongoing consultation with USFWS for both the Tule Wind Project Avian and Bat Protection Plan, as well as consultation for the golden eagle. See Appendix 9 to Volume 2 of the Final EIR/EIS, which includes the USFWS' Biological Opinions. In addition, the USFWS determination of consistency for the Tule Wind Project is available for review on the CPUC project website at <http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm>. . In addition, SDG&E and Tule Wind, LLC, have consulted extensively with ACOE regarding jurisdictional waters of the U.S., including conducting field visits during preparation of the Draft EIR/EIS. As discussed in Section D.2, Biological Resources, of the EIR/EIS, during biological surveys for the ESJ Gen-Tie Project, a planning-level delineation of potential jurisdictional wetlands and waters of the U.S. for the project was conducted, but concluded that a formal jurisdictional delineation was not warranted based on the lack of indicators of waters of the U.S. EIR/EIS Section D.2.1 also describes that SDG&E is currently preparing a jurisdictional delineation and Tule Wind, LLC, has prepared a jurisdictional delineation.

**A5-6** The "Summary of Rating Definitions" is noted. The definitions provided do not raise specific issues related to the project or adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided.

**A5-7** According to the California Independent System Operator (CAISO) queue list (March 24, 2011), the interconnection agreement is in progress. However, the purpose of the EIR/EIS is to evaluate the environmental impacts of the Proposed PROJECT and the status of a signed power purchase agreement for the Tule Wind Project does not affect the evaluation of the impacts of the Proposed PROJECT.

**A5-8** EIR/EIS Section C, Alternatives, describes all alternatives that were either advanced for further evaluation in the EIR/EIS or eliminated from full EIR/EIS evaluation. The Tule Wind Project does not depend on the Sunrise Powerlink for an interconnection to the grid. Section C.5.1.15, ECO System Alternative 4—Connect to the Sunrise Powerlink, describes the alternative of the ECO Substation connecting to the Sunrise Powerlink instead of SWPL. This alternative would not reduce project impacts and may increase impacts if the Sunrise Powerlink were looped into the ECO Substation in place of SWPL, which would cause additional impacts because it would require upgrading the outlet capacity at the Sycamore Substation as compared with no upgrades required at the proposed Miguel Substation outlet with SWPL. Therefore, because ECO System Alternative 4 would require additional system upgrades when compared to the Proposed PROJECT, it was determined not to meet alternatives screening criteria described in Section C.2 of the EIR/EIS and was eliminated from further consideration as a reasonable alternative in this EIR/EIS.

**A5-9** The comment and recommendations are noted. Final EIR/EIS Section D.2.1.3, Tule Wind Project, has been revised to incorporate additional information pertaining to the presence of ACOE-jurisdictional wetlands located within the project area (an amendment to the jurisdictional delineation report prepared for the Tule Wind Project was prepared by Tule Wind, LLC, to account for the modified project layout presented in the Final EIR/EIS). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

As noted in EIR/EIS Section D.2.1.3, approximately 0.43 acre of ACOE jurisdictional wetlands occur within the Tule Wind Project area. The presence of ACOE-jurisdictional wetlands (or lack thereof) within the ECO Substation and ESJ Gen-Tie Project areas is identified in Sections D.2.1.2 and D.2.1.4 of the EIR/EIS, respectively. A table identifying the acreage of jurisdictional waters for each project and each alternative has not been incorporated into the Final EIR/EIS. Impacts to jurisdictional waters are discussed in Section D.2.3.3 within the Impact BIO-2 discussion for the ECO Substation, Tule Wind, and ESJ Gen-Tie projects.

**A5-10** The comment and recommendations are noted. Table A-2, Permits or Other Actions Required Prior to Construction, lists the applicable permits and approvals required by various agencies for each project prior to construction. As identified in Table A-2, both the ECO Substation and the Tule Wind Project would require Section 404 Nationwide Permits. SDG&E provided an alternative to reduce impacts to jurisdictional areas (see Environmentally Superior Alternative in the EIR/EIS). In addition, as described in EIR/EIS Section D.2.3.3 (Impact BIO-2), impacts to jurisdictional waters during construction activities associated with the ECO Substation and Tule Wind projects would be adverse and significant; therefore, mitigation would be required to mitigate this impact. Mitigation Measure BIO-2a, which would require the respective project applicants to obtain applicable permits from jurisdictional agencies and implement the terms and conditions of agency permits, would ensure that construction impacts to jurisdictional resources are minimized, and that the design and construction of the projects comply with the applicable Section 404 guidelines.

**A5-11** The comment and recommendations are noted. EIR/EIS Mitigation Measure BIO-2b includes provisions for implementation of habitat creation, enhancement, preservation, and/or restoration pursuant to a wetland mitigation plan to offset

unavoidable impacts to jurisdictional resources (see EIR/EIS Section D.2.3.3, Impact BIO-2). The location of compensatory mitigation sites to offset permanent impacts has not yet been identified (refer to common response INT3, which pertains to ongoing preparation of studies/reports and subsequent mitigation measures). In accordance with applicable guidelines, the wetland mitigation plan would be incorporated into the applicable permits required from jurisdictional agencies and, as noted in Mitigation Measure BIO-2a, the project applicants would be required to implement the terms and conditions of agency-approved permits to ensure that impacts to jurisdictional resources are mitigated result in a no net loss.

**A5-12** The comment and recommendations are noted. EIR/EIS Mitigation Measures BIO-2a, BIO-2b, and BIO-2c include provisions to avoid, minimize, and mitigate impacts to jurisdictional impacts (see EIR/EIS Section D.2.3.3, Impact BIO-2). SDG&E provided an alternative to reduce impacts to jurisdictional areas (see the EIR/EIS Environmentally Superior Alternative). Please refer to common responses INT3 and BIO8.

**A5-13** As described in EIR/EIS Section B, Project Description, each proposed substation (ECO, Boulevard, and the Tule Wind collector) and the Tule Wind operations and maintenance facility propose fencing. EIR/EIS Section D.12, Water Resources, Impact HYD-5, provides a full analysis of changes to drainage patterns due to the Proposed PROJECT, assuming proposed fencing. As described, with proposed drainage design features and implementation of Mitigation Measure HYD-4 (preparation of a Stormwater Management Plan), impacts due to increased runoff would be mitigated, and under CEQA would be mitigated to less-than-significant levels (Class II). Mitigation Measure HYD-4 would ensure measures are taken to prevent significantly altering drainage patterns or increase erosion or siltation.

**A5-14** Please refer to common response WR1 regarding groundwater impacts due to construction.

**A5-15** The comment and recommendations are noted. Please refer to common responses BIO1 and BIO8. EIR/EIS Mitigation Measures BIO-10a through BIO-10i provide measures to reduce and avoid impacts to raptors and bats. Specifically, Mitigation Measures BIO-10e requires post-construction monitoring and reporting of bird and bat mortality; BIO-10f provides conditions under which the Tule Wind Project will be built in two phases, the second phase only being authorized based on the results of additional telemetry and nest studies; BIO-10g requires annual monitoring of golden eagles in the region; and 10h provides for an adaptive management program. A draft avian and bat protection plan is being prepared in cooperation with the USFWS.

Because the Draft Eagle Conservation Plan Guidance (published in February 2011) is in draft form and has not yet been finalized, it has not been incorporated in the EIR/EIS.

**A5-16** The comment and recommendations are noted. Please refer to common response BIO2 regarding impacts to California condor.

**A5-17** The comment and recommendations are noted. Please refer to common response BIO3 regarding impacts to bats. In addition, the Final EIR/EIS has been updated to include the recent additional studies for bats on the Tule Wind Project site (see EIR/EIS Section D.2.1 (Methodology and Assumptions) and Impact BIO-10 in Section D.2.3.3 of the Final EIR/EIS).

These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

**A5-18** The comment and recommendations are noted. Please refer to common response BIO5 regarding impacts to Quino checkerspot butterfly and BIO-8 regarding biological resource mitigation. The applicants for the ECO Substation Project and the Tule Wind Project have consulted with the USFWS for effects to federally listed species and critical habitat. The Biological Opinions resulting from these consultations are included in Appendix 9 to Volume 2 of the Final EIR/EIS.

**A5-19** Please refer to common response CUM1 regarding the cumulative impact analysis conducted in the EIR/EIS. Section D.2.1.1, Biological Resources Regional Overview, of the EIR/EIS defines “undeveloped” vegetation communities.

**A5-20** As stated in EIR/EIS Section G.1.2, Growth Related to Provision of Additional Electric Power of the EIR/EIS, the need for additional renewable energy generation is reflected in California’s Renewables Portfolio Standard as well as in the federal energy policy act goals for developing renewable energy. The project, which would accommodate renewable energy development, would be consistent with and assist in fulfilling state and federal law mandates and therefore would not be considered to have adverse growth-inducing impacts related to the provision of additional renewable energy development.

**A5-21** Please refer to common responses CUL1 and CUL2. As indicated by the commenter, tribal consultation is ongoing. At a consultation meeting conducted on March 1, 2011, in Jacumba, California, it was determined that: (1) the ECO Substation and Tule Wind projects would undergo separate but concurrent Section 106 processes; and (2) that a Memorandum of Agreement (MOA) would be the appropriate document to move forward with for the Tule Wind Project. Recent meetings for the Tule Wind Project included a field visit on March 29, 2010, with several tribes in attendance. In addition, a consultation meeting occurred on April 19, 2011, for the ECO Substation Project. Additional outreach efforts to Native Americans during preparation of the EIR/EIS process occurred as follows:

- November 12, 2009: Ewiiapaayp Band of Kumeyaay Indians attended an EIR/EIS environmental coordination meeting held at County of San Diego
- December 28, 2009: 21 Native American contacts received the Notice of Preparation (NOP) providing notification of preparation of joint EIR/EIS
- December 29, 2009: BLM issued NOI and news release for the preparation of the EIR/EIS
- January 25, 2010: BIA attended a team meeting regarding Tule Wind, LLC's Bird and Bat Mortality Mitigation Studies held at Dudek offices
- July 13, 2010: Ewiiapaayp Band of Kumeyaay Indians attended an agency review meeting regarding the Administrative Draft EIR/EIS at Dudek Encinitas offices
- September 23, 2010: Ewiiapaayp Band of Kumeyaay Indians and BIA attended an EIR/EIS project status meeting at Dudek offices
- December 23, 2010: Federal Register Notice of Availability for EIR/EIS
- December 23, 2010: 43 Native American contacts received a Notice of Availability of the Draft EIR/EIS.

**A5-22** Please refer to common response CC2 regarding the effect of climate change on the project. Additionally, the EIR/EIS did not identify significant impacts to groundwater that would warrant monitoring in response to potential future impacts of climate change or other reasons. The EIR/EIS includes mitigation measures to reduce the adverse effects to air quality caused by construction activities (see Mitigation Measures AQ-1 and AQ-2 in the EIR/EIS).

**A5-23** Tule Wind, LLC conducted additional biological and cultural resources surveys in the fall of 2010. The information from these surveys resulted in a modified project layout to reduce the overall size of the project and (see comment letter E1 from Iberdrola Renewables, Inc. regarding the Tule Wind Project Draft EIR/EIS – Modified Project Layout and attachments). The Final EIR/EIS has been updated

throughout to reflect the modified project layout and incorporates the updated studies. These changes and additions to the EIR/EIS do not result in new significant effects on the environment, and actually reduce the project's adverse effects from those previously identified in the Draft EIR/EIS.

In addition, Tule Wind, LLC submitted a Fire Protection Plan dated February 2011 as part of their comments (see comment letter E1) that was approved by the San Diego Rural Fire Protection District on November 3, 2010, and accepted by the San Diego County Fire Authority on February 28, 2011. Please also refer to common response FIRE5.

**A5-24**

As a result of this comment, revisions to Sections D.11.1.1, D.11.2.1, and D.11.2.4 have been made. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

The reference to watering active construction areas three times daily is related to how the emissions were calculated. Typically, watering three times daily would result in about a 60% reduction in fugitive dust emissions. This level of mitigation is assumed to be necessary to comply with air district fugitive dust rules. The amount of watering required in the field depends on local conditions (e.g., less watering would be required in the winter). Application of soil stabilizers or water must be sufficient to maintain compliance with San Diego Air Pollution Control District Rule 55. In addition, County Code Section 87.428, Dust Control Measures, requires all clearing and grading to be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property.