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51ST DISTRICT, CALIFORNIA

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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

February 4, 2011

website: www.house.gov/filner

Iain Fisher
CPUC Project Manager
California Public Utilities Commission
C/o Dudek
605 3rd St
Encinitas, CA 92024

Dear Mr. Fisher:

I write to request that the BLM and CPUC deny the proposed ECO Substation, Tule Wind and Energia Sierra Juarez (ESJ) jointly reviewed project. This letter follows my letter to Department of Energy Secretary Steven Chu requesting denial of the ESJ Presidential Permit Applications (11-6-09) and my comments addressed to you, requesting denial of this proposed three-in-one project (02-04-10).

Due to the size, scale, and complex nature of this joint 3-project review process and the DEIR/EIS document itself, I am requesting a minimum 30-45 day extension of the current February 16th comment deadline. Also, I hereby request a moratorium on industrial wind turbine project applications and approvals until science-based and peer reviewed health surveys and studies are done to determine what set-back requirements are needed to protect public health and safety.

These unneeded projects rely on SDG&E's Sunrise Powerlink (Desert Deathlink) that is still the subject of unresolved state and federal litigation. Last month, a new lawsuit was filed against the Forest Service's Sunrise Powerlink approvals and Land Use Plan Amendment. Tule Wind is proposed for the McCain Valley Resource Conservation and Recreation Area land that the BLM downgraded from protected status to a massive industrial zone. That downgrade is also the subject of the same unresolved Desert Deathlink litigation that will be heard in U.S. District Court on March 7th.

The cumulative impacts of increased fire threat and reduced fire fighting capabilities represented by the Deathlink (another Class 1 fire impact placing at least 1,300 homes at risk from wildfire) that runs through the same impacted area, the proposed new Campo Wind project, the proposed Manzanita Wind project, the proposed Jordan/Enel Jewel Valley Project, and all the additional 138 kV power lines, substations, and switchyards (DEIR/EIS A 4-5), are reason enough to deny all these projects outright.

Recently, my staff has been in contact with impacted Native Americans. From all these massive projects that your agencies are approving throughout their ancestral territory, they are justifiably

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concerned with the adverse cumulative Significant Class I impacts to their cultural resources, many of which are eligible for NRHP registration.

Based on those conversations and the recent lawsuits filed by Native American groups and individuals against BLM approvals of six massive solar projects and failure to comply with Section 106 requirements, removing previous protections under Class L zoning through questionable plan amendments and more, the BLM needs to take a serious look at its conduct. As a nation, we cannot run rough shod over our natural environment, Native American heritage, or any cultural resource in order to build remote renewable energy projects that can be built much closer to the point of use.

I am willing and able to work with other elected officials and tribal leaders to pursue small scale solar and wind turbine projects for tribal homes, buildings, casinos, and already disturbed small spaces. This can also be done for non-tribal rural communities to help our nation move in the right direction. With feed-in-tariffs, local property owners could sell excess energy back to the grid instead of donating it to SDG&E, as those with solar panels currently do.

If these projects move forward, mitigation should address the funding of Boulevard and Jacumba Fire Departments, Fire Safe Councils, and community and evacuation centers. It should also provide Property Value Guarantee Agreements, require pre-construction sound testing at homes and property within in a one-mile radius, and provide funding to construct, operate, and maintain a Kumeyaay Museum to be jointly owned and operated by those members of the various Kumeyaay tribes that wish to participate.

I ask for your sound judgment and focused attention to these issues. If you have any questions or if I can be of any assistance, please feel free to contact me or John Riccio of my staff at (619) 422-5963.

Sincerely,



BOB FILNER
Member of Congress

cc: Greg Thomsen, Program Manager, BLM

BF/jr
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