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From: Cindy Eldred <cindy@eldredlaw.com>
Sent: Friday, March 04, 2011 4:04 PM
To: iain.fisher@cpuc.ca.gov; ECOSUB
Cc: 'Brown, Patrick'; Ryan.Waterman@lw.com; 'Miller, Taylor'; 'Abreu, Alberto'
Subject: DOI-BLM-CA-D070-2010-0027-EIS (ECO Sub)/DOI-BLM-CA-D070-2008-0040-EIS (Tule Wind)
Attachments: DEIR-DEIS Comment Letter (030411).pdf

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March 4, 2011

Iain Fisher, CPUC at iain.fisher@cpuc.ca.gov
Greg Thomsen, BLM at ecosub@dudek.com
c/o Dudek
605 Third Street
Encinitas, CA 92024

Re: DOI-BLM-CA-D070-2010-0027-EIS (ECO Sub)
DOI-BLM-CA-D070-2008-0040-EIS (Tule Wind)
Comments on Joint DEIR/DEIS dated December 24, 2010

Dear Msrs. Fisher and Thomsen:

We represent the San Diego Rural Fire Protection District (“District”) in its review of the Joint DEIR/DEIS listed above (the “DEIR/DEIS”). This letter supplements our letter dated January 4, 2011 (the “Letter”) to you regarding the analyses of impacts and adequacy of mitigation provided in Section D.15 Fire and Fuels Management of the DEIR/DEIS as those analyses and mitigation measures relate to the Tule Wind Project and the ESJ Gen-Tie Project. The comments in our Letter remain unaltered as they relate to the ECO Substation Project. The District appreciates the opportunity to further comment upon the DEIR/DEIS.

The DEIR/DEIS identifies the potential for all three projects to significantly increase the probability of wildfires. Mitigation Measures FF-1, FF-2, FF-3, and FF-4 are provided in the DEIR/DEIS with the intent to mitigate the increased probability of wildfires.

The District has worked with the applicant for the Tule Wind Project to modify Mitigation Measures FF-1 and FF-2 to address the concerns expressed in our Letter. A strikeout-underline of DEIR/DEIS Mitigation Measures FF-1 through FF-7 is included in this letter as Exhibit “A”. Exhibit “A” also contains mitigation measures provided in the Fire Protection Plan for the Tule Wind Project that are in addition to the mitigation measures provided in the DEIR/DEIS. The Modified Mitigation Measures FF-1 through FF-7 and the additional mitigation measures provided in the Fire Protection Plan for the Tule Wind Project are sometimes referred to collectively in this letter as the “Modified Mitigation Measures”.

The applicants for each of the Tule Wind Project and the ESJ Gen-Tie Project have entered into development agreements with the District that, among other things, satisfy the requirements of Mitigation Measure FF-3. In addition, each of these two applicants has obtained the District’s

Mssrs. Fisher and Thomsen

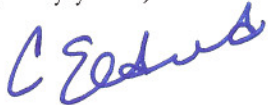
March 4, 2011

Page 2

approval of project-specific Fire Protection Plans that, among other things, satisfy the requirements of Mitigation Measure FF-4.

The District concludes that the respective applicants for the Tule Wind Project and the ESJ Gen-Tie Project will have adequately mitigated the increased probability of wildfire through timely satisfaction of each and every requirement of the Modified Mitigation Measures, the applicants' respective development agreements, and the respective, project-specific Fire Protection Plans. Further, the District concludes that through satisfaction of each and every requirement of the Modified Mitigation Measures, implementation of the project design features described in the DEIR/DEIS where applicable, and satisfaction of each and every requirement of the respective development agreements and respective, project-specific Fire Protection Plans, the Tule Wind Project and the ESJ Gen-Tie Project will not significantly obstruct fire protection activities and that the applicants for these two projects have adequately addressed the additional fire risks posed by their respective projects.

Very truly yours,



Cynthia L. Eldred, Esq.

THE LAW OFFICE OF CYNTHIA L. ELDRED

cc: (via electronic mail only)
San Diego Rural Fire Protection District
Patrick P. Brown, Project Planner, County of San Diego
Ryan Waterman, Esq., Counsel for Tule Wind, LLC
Taylor Miller, Esq., Counsel for Energia Sierra Juarez U.S. Transmission LLC
Alberto Abreu, Director - Project Development, Sempra Generation

MM	EDITED MM TEXT FROM DRAFT EIR/EIS
MM FF-1	<p>Develop and implement a Construction Fire Prevention/Protection Plan. Pacific Wind Development <u>The applicant</u> shall develop a multiagency Construction Fire Prevention/Protection Plan for the Tule Wind Project and monitor construction activities to ensure implementation and effectiveness of the plan. Plan reviewers shall include the following: CAL FIRE, Rural Fire Protection District, and SDCFA. Pacific Wind Development <u>The applicant</u> shall provide a draft copy of this plan to each listed agency at least 90 days before the start of any construction activities. Comments on the plan shall be provided by Pacific Wind Development <u>the applicant</u> to all other participants, and Pacific Wind Development <u>the applicant</u> shall resolve each comment in consultation with <u>and to the satisfaction of</u> CAL FIRE, Rural Fire Protection District, and SDCFA. The final plan will be approved by the commenting agencies <u>prior to the initiation of construction activities</u> and provided to Pacific Wind Development <u>the applicant</u> for implementation during all construction activities.</p> <p>At minimum, the plan will include the following:</p> <ul style="list-style-type: none"> • Procedures for minimizing potential ignition <ul style="list-style-type: none"> ○ vegetation clearing ○ fuel modification establishment ○ parking requirements ○ smoking restrictions ○ hot work restrictions • Red Flag Warning restrictions • Fire coordinator role and responsibility • Fire suppression equipment on site at all times work is occurring • Requirements of Title 14 of the CCR, Article 8 #918 “Fire Protection” for private land portions • Access Road widening (28-foot County roads, 18-foot-wide spur roads) • Applicable components of the SDG&E Wildland Fire Prevention and Fire Safety Electric Standard Practice (2009) • Emergency response and reporting procedures • Emergency contact information • Worker education materials; kick-off and tailgate meeting schedules • Other information as provided by CAL FIRE, Rural Fire Protection District, SDCFA, BLM, California State Land Commission (CSLC), and Tribal Governments

EXHIBIT ‘A’

MM	EDITED MM TEXT FROM DRAFT EIR/EIS
	<p>Additional restrictions will include the following:</p> <ul style="list-style-type: none"> • During the construction phase of the project, Pacific Wind Development <u>the applicant</u> shall implement ongoing fire patrols. <u>The applicant shall maintain fire patrols during construction hours and for one (1) hour after end of daily construction, and hotwork, during the fire season as defined each year by local, state, and federal fire agencies. These dates vary from year to year, generally occurring from late spring through dry winter periods.</u> • Fire Suppression Resource Inventory – In addition to CCR Title 14, 918.1(a), (b), and (c), Pacific Wind Development <u>the applicant</u> shall update in writing the 24-hour contact information and on-site fire suppression equipment, tools, and personnel list on quarterly basis and provide it to the Rural Fire Protection District, SDCFA, and CAL FIRE • During Red Flag Warning events, as issued daily by the National Weather Service in SRAs and LRAs, and when the USFS PAL is Very High on CNF (as appropriate), all <u>non-essential, non-emergency</u> construction and maintenance activities shall cease or be required to operate under a <u>Hot Work Procedure (see TULE-PDF-1)</u>. Exception for transmission line testing: A transmission line may be tested, one time only, if the loss of another transmission facility could lead to system instability or cascading outages. • Utility <u>The applicant</u> and contractor personnel shall be informed of changes to the Red Flag event status and PAL as stipulated by CAL FIRE and CNF. • All construction crews and inspectors shall be provided with radio and/or cellular telephone access that is operational along the entire length of the approved route <u>throughout the project area</u> to allow for immediate reporting of fires. Communication pathways and equipment shall be tested and confirmed operational each day prior to initiating construction activities at each construction site. All fires shall be reported to the fire agencies with jurisdiction in the project area immediately upon ignition. • Each crew member shall be trained in fire prevention, initial attack firefighting, and fire reporting. Each member shall carry at all times a laminated card listing pertinent telephone numbers for reporting fires and defining immediate steps to take if a fire starts. Information on contact cards shall be updated and redistributed to all crew members as needed, and outdated cards destroyed, prior to the initiation of construction activities on the day the information change goes into effect. • Each member of the construction crew shall be trained and equipped to extinguish small fires <u>with hand-held fire extinguishers</u> in order to prevent them from growing into more serious threats. Each crew member shall at all times be within 100 yards of a vehicle containing equipment necessary for fire suppression as outlined in the final Construction Fire Prevention/Protection Plan. • <u>Water storage tanks (TULE-PDF-7) shall be installed and operational at the time of start of construction, except where construction of new access roads is necessary to reach the SDRFPD's preferred location for the water tank, in which case the water tank will be installed along with access</u>

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	<p><u>road construction.</u></p> <p>Pacific Wind Development The applicant shall fully implement the plan during all construction and maintenance activities. All construction work on the <u>ECO Substation Project, ESJ Project, and Tule Wind Project</u> shall follow the Construction Fire Prevention/Protection Plan guidelines and commitments, and plan contents are to be incorporated into the standard construction contracting agreements for the construction of the Tule Wind Project. Primary plan enforcement implementation responsibility shall remain with Pacific Wind Development <u>the applicant</u> and monitored by CAL FIRE, Rural Fire Protection District, and SDCFA.</p>
MM FF-2	<p>Revise Existing Wildland Fire Prevention and Fire Safety Electric Standard Practice Plan (2009) to Create the Wildland Fire Prevention and Fire Safety Electric Standard Practice Operation and Maintenance Plan. Revised plan will address the <u>ECO Substation Project, ESJ Project, and Tule Wind Project</u> and will be implemented during all operation and maintenance work associated with the project for the life of the project. Important fire safety concepts that will be included in this document are as follows:</p> <ul style="list-style-type: none"> • Focused Fire Protection Plan content applicable to the <u>applicant's Tule Wind Project's</u> ongoing operation • Guidance on where maintenance activities may occur (non-vegetated areas, cleared access roads, and work pads that are approved as part of the project design plans) • Fuel modification buffers required by the FPP • When vegetation work will occur (prior to any other work activity) • Timing of vegetation clearance work to reduce likelihood of ignition and or fire spread • Coordination procedures with fire authority • Integration of the project's Construction Fire Prevention/Protection Plan content • Personnel training and fire suppression equipment. <u>Prior to energizing the Tule Wind Project, Tule Wind, LLC will install a skid-mounted Type VI firefighting unit with at least 100 gallons water capacity and a pump rate of at least 30 gallons per minute into three (3) of its operations and maintenance pick-up trucks. In addition, also prior to energizing the Tule Wind Project, Tule Wind, LLC personnel will undergo training by San Diego Rural Fire Protection District personnel, or another entity certified to conduct such training, on the proper use of Type VI firefighting equipment to fight incipient fires.</u> • Red Flag Warning restrictions for operation and maintenance work • Fire safety coordinator role as manager of fire prevention and protection procedures, coordinator with fire authority and educator

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	<ul style="list-style-type: none"> • Communication protocols • Incorporation of CAL FIRE, San Diego Rural Fire Protection District, and SDCFA reviewed and approved Response Plan mapping and assessment. • Other information as provided by CAL FIRE, San Diego Rural Fire Protection District, SDCFA, BLM, CSLC, Tribal Governments, and USFS. <p>Pacific Wind Development The applicant will provide a draft copy of the Wildland Fire Prevention and Fire Safety Electric Standard Practice to the agencies listed previously for comment a minimum of 90 days prior to the start of any construction activities. The comments will be provided back to Pacific Wind Development the applicant and plan revisions will address each comment to the satisfaction of the commenting agency. The final plan will be approved by the commenting agencies <u>prior to energizing the project</u> and provided to Pacific Wind Development the applicant for implementation during all operation and maintenance activities.</p>
MM FF-3	<p>Development Agreement with Rural Fire Protection District and San Diego County Fire Authority (SDCFA). Provide funding for the training and acquisition of necessary firefighting equipment and services to Rural Fire Protection District/SDCFA to improve the response and firefighting effectiveness near wind turbines, electrical transmission lines, and aerial infrastructure <u>based on fire protection needs and each agency’s professional judgment</u>. Although not implementable on BLM or other federal land, the local fire authority will respond through mutual aid to wildfires within its jurisdiction, regardless of land ownership designation. Funding would be provided through a Development Agreement <u>between the applicant and the</u> Rural Fire Protection District and SDCFA, <u>which shall be executed prior to construction</u>. The Development Agreement would include, but not be limited to, the following items as agreed upon by Rural Fire Protection District, SDCFA, and the applicant:</p> <p>Funding toward purchase of a Type I (or other) fire engine equipped for potential project related fires (i.e., foam capability).</p> <ul style="list-style-type: none"> • Funding as required by standard Fire District fee schedule • Foam concentrate supply of 450 gallons, foam education equipment, and nozzles on mobile trailer.
MM FF-4	<p>Customized Fire Protection Plan for Project. A Fire Protection Plan to include, at minimum, the following:</p> <ul style="list-style-type: none"> • San Diego County FPP Content Requirements (http://www.sdcounty.ca.gov/dplu/docs/Fire-Report-Format.pdf) • Rural Fire Protection District Content Requirements: <ul style="list-style-type: none"> ○ Provisions for fire safety and prevention ○ Water supply

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	<ul style="list-style-type: none"> ○ Fire suppression/detection systems – built-in detection system with notification ○ Secondary containment ○ Site security and access ○ Emergency shut-down provisions ○ Fuel modification plan ○ Access road widths and surfacing ○ Emergency drill participation <ul style="list-style-type: none"> ● Emergency evacuation plan. ● Integration into Plans created to satisfy <u>Mitigation Measures FF-1 and FF-2.</u> <p>The FPP will incorporate additional APMs described in Section B.4.4 of this EIR/EIS. <u>The final FPP is to be approved by the commenting agencies prior to construction.</u></p>
MM FF-5	<p>Wind Turbine Generator Fire Protection Systems. Fire detection, warning, and suppression systems for each wind turbine generator will include the latest<u>modern</u> technology and will address, at minimum, the following:</p> <ul style="list-style-type: none"> ● Use of non-combustible or difficult to ignite materials ● Early fire detection and warning systems ● Frequent maintenance<u>Maintenance according to manufacturer specifications</u> ● Auto switch-off and complete disconnection from the power supply system ● Ongoing hazard/fire safety training for staff ● Automatic fire extinguishing systems in the nacelle of each wind turbine (stationary, inert gas, or similar). Pacific Wind Development <u>Tule Wind, LLC</u> will implement this technology through the wind turbine manufacturer or an aftermarket supplier. ● Non-combustible or high flash point lubricant oils.
MM FF-6	<p>Funding for Fire Inspection<u>FireSafe Council</u>. The applicants are to provide funding for locally based <u>one (1) SDCFA Fire Code Specialist II position to enforce existing fire code requirements, including but not limited to implementing required fuel management requirements (e.g., defensible space), in priority areas to be identified by the SDCFA for the life of the project.</u> In addition, the applicants are to provide funding to</p>

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	<p>allow SDCFA to employ up to four (4) volunteer/reserve firefighters as part-time code inspectors on a stipend basis for up to 90 days per year for the life of the project. FireSafe Council (e.g., Campo/Lake Moreno FireSafe Council) to prepare or implement a Community Wildfire Protection Plan. The funding for the SDCFA Fire Code Specialist II position and the four (4) volunteer/reserve firefighters as part-time code inspectors will be provided through proportional contributions from each applicant to the SDCFA through their respective Development Agreements (see MM FF-3), which shall be executed prior to construction. will be determined in conjunction with the local fire authority's input, the specified fuel reduction project priorities identified by the FireSafe Council and in consideration of the funding amount provided under Mitigation Measure FF-3.</p>
MM FF-7	<p>Preparation of Disturbed Area Revegetation Plan. All areas disturbed during construction activities that will not be continuously included in the long-term maintenance access ROW will be provided native plant restoration in order to prevent non-native, weedy plants from establishing. Disturbed areas that will be included in the long-term maintenance program will not be revegetated as any plants that establish in these areas will be removed on an ongoing (at least annual) basis.</p> <p>Mitigation Measure FF-7 directs that the temporary disturbance areas will be revegetated with native plants common to the area through direction detailed in a Habitat Restoration Plan. The Habitat Restoration Plan will be prepared to restore native habitat and to reduce the potential for non-native plant establishment. The restoration plan will incorporate a Noxious Weeds and Invasive Species Control Plan to assist in restoring the construction area to the prior vegetated state and lessen the possibility of establishment of non-native, flammable plant species. A copy of the Revegetation Plan will be provided to the BLM and San Diego County.</p> <p>In addition, prior to the termination of the ROW authorization, a decommissioning plan will be developed and approved by the BLM and other agencies having jurisdiction. The decommissioning plan will include a site reclamation plan and monitoring program. As the wind facility is removed from the site, topsoil from all decommissioning activities will be salvaged and reapplied during final reclamation. All areas of disturbed soil will be reclaimed to native habitat conditions found naturally in the area.</p>

**ADDITIONAL MITIGATION MEASURES FROM SDRFPD-APPROVED FIRE PROTECTION PLAN (NOVEMBER 3, 2010)
TO BE INCLUDED IN DRAFT EIR/EIS AS FIRE MITIGATION PACKAGE**

MM	MITIGATION MEASURES FROM SDRFPD FPP (NOVEMBER 2010) TO BE INCLUDED IN DRAFT EIR/EIS
FPP-4	FPP-4: Remove hazards from the work area. IBR Tule Wind, LLC shall comply with PRC Public Resources Code 4291, Reduction of Fire Hazards Around Building, to provide 100 feet fuel modification around all buildings, and the County Code Title 9 regarding brush management. IBR Tule Wind, LLC and/or its contractor shall clear brush and dead and decaying vegetation from the work area prior to starting construction and/or maintenance work. The work area includes only those areas where personnel are active or where equipment is in use or stored, and may include portions of the transmission ROW, construction laydown areas, pull sites, access roads, parking pads, turbine pads, O&M building, substation and any other sites adjacent to the ROW where personnel are active or where equipment is in use or stored.
FPP-5	FPP-5: Helicopter Use: IBR Tule Wind, LLC shall contact CAL FIRE and the SDRFPD dispatch centers two days prior to helicopter use and will provide dispatch centers with radio frequencies being used by the aircraft, aircraft identifiers, the number of helicopters that will be used while working on or near SRA lands at any given time, and the flight pattern of helicopters to be used. Should a wildfire occur within one (1) mile of the work area, upon contact from a CAL FIRE Incident Commander and/or Forest Aviation Officer, helicopters in use by IBR Tule Wind, LLC will immediately cease construction activities and not restart aerial operations until authorized by the appropriate fire agency.
FPP-6	FPP-6: Roads: Any BLM roads or turbine roads that are proposed to be gated shall be provided with an approved Knox Box prior to energizing the project.
FPP-7	FPP-7, Combustible Storage: (CFC Chapter 3): Combustible storage and trash on site during construction and operation phases shall be properly stored in a clear area with fuel modification around it, and be away from turbines and the substation. Such storage shall be orderly and be removed from the site as soon as possible.
FPP-8	FPP-8: Perform climbingvisual inspections. IBR Tule Wind, LLC shall perform climbing visual inspections using telescopic equipment on 10 percent of project structures supporting overhead lines annually, such that every project structure has been climbed and visually inspected at the end of a 10-year period, for the life of the project. <u>If visual inspection does not reasonably allow inspection of project structures, then Tule Wind, LLC shall perform climbing inspections to supplement such visual inspections.</u> In addition, IBR Tule Wind, LLC will keep a detailed inspection log of climbing inspections, and any potential structural weaknesses or imminent component failures shall be acted upon immediately. The inspection log will be maintained on-site and available for review by CAL FIRE/SDRFPD upon request.
FPP-9	FPP-9: Line Clearance. For the 138 kV transmission line, IBR Tule Wind, LLC shall establish and maintain adequate line clearance in conformance with CPUC GO 95. Only trees or vegetation with a mature height of 15 feet or less shall be permitted within the transmission right of way except where the transmission line spans a canyon. In addition, tree branches that overhang the ROW within 10 horizontal feet of any conductor shall be trimmed or removed, as appropriate, including those on steep hillsides that may be many vertical feet above the facility. Conductor clearance of 10 radial feet under maximum sag and sway will be maintained at all times. Cleared vegetation shall be removed to comply with requirements of

MM	<p style="text-align: center;">MITIGATION MEASURES FROM SDRFPD FPP (NOVEMBER 2010)</p> <p style="text-align: center;">TO BE INCLUDED IN DRAFT EIR/EIS</p>
	<p>the County of San Diego. During the life of the project, IBRTule Wind, LLC shall maintain adequate conductor clearances by inspecting the growth of vegetation along the entire length of the overhead transmission line at least once each spring and documenting the survey and results. The inspection log shall be maintained on-site and available for review by CAL FIRE/SDRFPD upon request.</p>
FPP-11	<p>FPP-11: De-Energize Electrical System - IBRTule Wind, LLC shall immediately de-energize the electrical collector and transmission systems during fire emergencies at the direction of in which SDG&E. The fire agency liaison will coordinate with the SDG&E liaison during a fire incident to identify which, if any, particular electrical lines need to be de-energizeds its local 138 kV system. Appropriate fire agencies responding to the incident shall be immediately notified of the line de-energizing. Additionally, IBRTule Wind, LLC shall provide all appropriate local, state, and federal fire dispatching agencies with an on-call contact person (Fire Coordinator) who has the authority to shut down the line in areas affected by a fire. If the transmission line shall bes de-energized, prior to and during fire suppression activities within 1 mile of the transmission corridor to maintain firefighter safety, and re-energizing Tule Wind, LLC shall require notification and receive approval from of all the SDG&E liaison and fire agency liaison representing the responsible fire agencies.</p>
FPP-12	<p>FPP-12: Site Maps - All responsible agencies shall be provided with maps indicating the location of the water tanks, turbines, access roads, and project layout and towers prior to construction, as well as “as-built” maps after completion of construction. Tule Wind, LLC will coordinate with the SDCFA to ensure that its construction plans and “as-built” plans are incorporated into the SANGIS public safety layer for GIS mapping purposes prior to energizing the project.</p>
FPP-13	<p>FPP-13: Communication Devices - In order to easily communicate immediate fire incidence during construction, operation or maintenance of the project, all crews and inspectors shall be equipped with <u>radio and/or cellular telephone access that is operational throughout the project area to allow for immediate reporting of fire</u>operational communication equipment and open communication pathways shall be established prior to energizing the project.</p>