



County of San Diego

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COMMENTS ON THE SUNRISE POWERLINK PROJECT MODIFICATION REPORT

Dear Ms. Blanchard:

The County of San Diego appreciates the opportunity to review the Sunrise Powerlink Project Modification Report (PMR) dated May 14, 2010. As a local agency significantly affected by the project, the County has identified several environmental and project issues that will negatively impact both private and public lands within the County's jurisdiction.

The purpose of an EIR/EIS is to provide public agencies and the public in general with detailed information about the effects a proposed project is likely to have on the environment. Accordingly, the FEIR/EIS focused on the preferred alignment, the northern alignment. The southern alignment was not the preferred alignment, but was an alternative. Consequently, the FEIR/EIS did not include a detailed analysis of the potential impacts of the southern alignment. The purpose of the PMR is to provide the basis for determining if additional environmental review is required because of the

numerous changes in the project as a result of the approval of the southern alignment, public outreach, and more detailed engineering and analysis.

The statement in the PMR that indicates there are fewer direct impacts for the southern alignment than those identified in the Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/EIS) is misleading since there are some aspects with greater impacts and the analysis is lacking in many cases. The public has not had an opportunity to review any detailed analyses of the biological, cultural and visual resources, groundwater supply, geotechnical, community character and other issues for the southern alignment in accordance with the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA). The information discussed in the PMR included "new information" that presents new significant impacts or a substantial increase in the severity of previously identified impacts. Depending on the scope of the changes that are needed to the FEIR/EIS, either a subsequent EIR or a Supplement to the EIR should be prepared in accordance with CEQA Guidelines Section 15162 and 15163. The new substantial information in the PMR and other additional studies and analysis along with proposed mitigation measures should be incorporated and distributed to the public to provide them with an opportunity to review and provide comments.

The County has reviewed the PMR and offers the following comments:

GENERAL COMMENTS

1. One problem recurs throughout the PMR. The document often fails to analyze the impacts of the changes in the project, such as the impacts a construction yard would cause at a new location. In addition, there appears to be very little, if any, discussion of the new, permanent helipads and their potential impacts to biology, aesthetics, and fire risks. Although the PMR purports to compare the impacts of the project as analyzed in the FEIR/EIS with the impacts of the project presented in the PMR, this comparison can be made only after the impacts of each change in the project have been analyzed. To the extent that the PMR fails to include facts and analysis to support its conclusions regarding the impacts of each change in the project, the PMR will not provide substantial evidence to support a determination under CEQA Guidelines Section 15162 that no additional CEQA review is required.
2. Several environmental studies have been completed since the FEIR/EIS was certified. However, those studies were not attached to the PMR. The studies were the basis for the conclusions reached in the PMR that the "modified Project would result in less impact to the environment and would better protect natural and cultural resources." However, unless the studies are included in the PMR, the conclusions reached by the PMR are not supported.

SPECIFIC COMMENTS

3. Summary Table S-1, Special Species Status – The table indicates a significant increase in the number of Golden Eagle nests potentially affected by the modified project. The FEIR/EIS identified four nests. Table S-1 identifies nine nests with the current alignment. The significant increase in the number of nests affected is a substantial increase in severity of this impact. The conclusion that no new significant impacts would result is not supported by facts or analysis. In addition, Footnote 5 does not relate to eagle nests.
4. Summary Table S-1, Summary of Other Changes – Land Uses/Noise does not mention that the new locations for the storage yard and office complex in Alpine will be directly adjacent to 30 homes. This new location will result in temporary noise, aesthetic, lighting and air quality impacts to these homes. These are new impacts that were not previously addressed, but the severity of these potential impacts cannot be determined by the information provided. Additional analysis is needed.
5. Summary Table S-2,
 - a. The Summary Conclusion/Notes column should note when a site for a project component has been recently added to the project. For example, PMR33 should state that it is a new location for the storage yard and office headquarters. Stating that there is “no substantial change” implies that impacts at this site have already been reviewed. This notation is misleading because this is the first time this site has been included in the documents.
 - b. PMR8 – Recent correspondence with SDG&E indicated that SDG&E is no longer pursuing the Jacumba Airport storage yard. Please clarify whether this storage yard is part of the project or not.
 - c. PMR29 – Please verify that a fuel modification zone around perimeter of the Suncrest Substation was included in the analysis of vegetation impacts. The draft Construction Fire Prevention Plan did not include a fire buffer for the substation, but a buffer is necessary to ensure fire safety.
6. Section 1.2.3 and Table 1-4 – This section and table describe how the impact calculations were completed. However, the document does not mention a few components that are also part of the project as defined by CEQA Guidelines Section 15378, such as helipads, fuel modification along roadways, fuel modification around helipads, potential clearing in easements as allowed by easement language, and fire breaks around facilities. These are all reasonably foreseeable components and actions that are part of the project.
7. Section 2.1, page 2-1 – The bottom of the page mentions that a Scenery Conservation Plan is currently being developed that will address structure color. This plan is relevant information to determine impacts to aesthetics and should be included in the PMR. It is also unclear whether this plan will only address

visual resources in the Cleveland National Forest or if it will also address the potential visual impacts of the remainder of the transmission line through the scenic backcountry of San Diego County.

8. Section 2.3, page 2-16 – Tierra del Sol Communication Facility is located in the community of Boulevard, not Jacumba as stated in the first paragraph.
9. Section 3.2, page 3-2, Summary of Results –
 - a. The summary should discuss the change in water supply since the water sources listed in the FEIR/EIS are no longer feasible. Because the use of groundwater has not been analyzed and because there has been some uncertainty as to whether the project would use groundwater, please include a statement that the project will not use groundwater in San Diego County.
 - b. There should also be a brief summary of the new locations for facilities that were not previously included in the FEIR/EIS. The comparison of the project components and the previously identified impacts is a good summary, but the critical component is missing--the detailed analysis of impacts of the facilities at the new locations.
10. Section 3.3.2, page 3-6, Impacts to Air Resources – This section should discuss the Air Quality Study completed by Bluescape for the impacts from the Final Water Use Plan mentioned in Table 1-2.
11. Table 3-6, page 3-12, Special Status Plants – As noted in the table, impacts to a few of the special status plant species have increased with the modified project. Significant increased impacts to Jacumba milk-vetch, Nuttall's scrub oak and Tecate tarplant occur with the modified project. These are substantial increases in previously identified impacts to these rare plant species. It is unclear from the information provided if there are alternatives that would reduce these impacts, and the discussion of these impacts lacks an analysis of the significance of the impacts.
12. Table 3.7, page 3-16 – The number of Golden eagle nests that the project would potentially impact has risen from 4 nests to 9 nests. This is a substantial increase in the severity of the previously identified impact. A footnote states that SDG&E is currently conducting a Golden eagle nest area study. This study should have been included in PMR, and information should have been included as to what caused such a big increase in the number of impacted nests.
13. Golden Eagle, page 2-23 – This section on the Golden eagles does not discuss the significance of the impacts. How close is the project to each nest? Will the project result in the abandonment of one or more nests or the death of one or more eagles due to construction activities or the presence of transmission lines? The impact to nest sites is a significant impact that warrants careful consideration of mitigation or alternatives to reduce the impacts to the eagles.

14. Section 3.3.4, Cultural Resources – The cultural resource surveys were recently completed for the entire alignment. The information gained from the surveys should be used to determine what impacts the project would cause, the significance of those impacts and the appropriate mitigation measures for each site impacted. An accounting of the number of sites impacted is not a substitute for the analysis of impacts required by CEQA. Impacts to cultural resources are potentially significant, and the appropriate analysis, when done, should determine if the impacts are more severe than anticipated in the FEIR/EIS.
15. Section 3.3.6.1, Private Lands – Mitigation measure L-2b required SDG&E to notify property owners and required an opportunity for the parties to identify impacts and potential measures to reduce impacts. However, the PMR states that where new locations of facilities, such as construction yards, have been identified, the notification regarding the availability of the Draft EIR was used to satisfy the notification required by this mitigation measure. Relying on the notice of the Draft EIR is not adequate because, at that time, no project facilities were proposed adjacent to these landowners. Consequently, there were no potential impacts to identify or mitigate. Now, however, there may be impacts.

Section 3.3.6.3 concludes that there are no new significant impacts associated with the modified project in relation to sensitive noise receptors. This conclusion is inaccurate. Over 30 residences are located near just one of the new construction yard locations and will be subject to noise generated by that construction yard. The FEIR/EIS did not identify these residences that will now be adjacent to the relocated construction storage yards, and the PMR also does not address them. This required analysis may show a new significant impact or a substantial increase in severity of a previously identified impact.

16. Table 3-16, Sensitive Receptors – For consistency with other information presented in the PMR, it would be useful if this table included the comparable information from the FEIR/EIS or if it identified where the changes occurred. Without the information, the conclusion reached is unsubstantiated.
17. Section 3.3.6.4, Regional Habitat Conservation Programs – The County of San Diego Board of Supervisors adopted the South County Multiple Species Conservation Program (MSCP) Subarea Plan on October 22, 1997. The MSCP is a Habitat Conservation Plan (HCP) under the federal Endangered Species Act (ESA) and a Natural Community Conservation Planning (NCCP) Program under the States NCCP. The discussion of the MSCP included in the PMR is inadequate and does not fully address the potential impacts of the Sunrise Powerlink on the County's MSCP. The biological opinion for the Sunrise Powerlink Project does not address project impacts to non-listed species covered by the San Diego County MSCP or the future East County MSCP, which is the subject of a planning agreement with the Wildlife Agencies.

The County is responsible for ensuring that the take permit requirements are implemented. If the Wildlife Agencies determine that the MSCP Preserve is no longer viable due to the development of a project that may significantly impact the viability of the MSCP Preserve and the County can no longer fulfill its mitigation requirements, the County may 1) lose coverage for species impacted by the Sunrise Powerlink; or 2) be in jeopardy of losing its ESA Section 10(a)(1)(B) permit altogether. When the MSCP was developed, no one envisioned that a new 117-mile construction project of this magnitude would traverse the South County and future East County MSCP preserve areas.

The County hopes that the ongoing discussions regarding appropriate mitigation for the Sunrise Powerlink will resolve our outstanding concerns regarding the South and East County MSCPs.

18. Section 3.3.7, Public Safety/Fire Hazards – The FEIR/EIS used GIS modeling to determine the fire hazard areas and estimate the number of homes at risk and the miles of fire containment conflict. The methodologies used in the FEIR/EIS to determine the fire hazard areas do not reflect an understanding of actual wildfires. The County has done extensive GIS modeling for fire hazards in this area and has verified the modeling with agency representatives from Bureau of Land Management (BLM), CAL FIRE, and local districts during real wildfires. Our modeling of the fire hazards for the Sunrise Powerlink resulted in a much greater area of impact. Therefore, as we have previously commented, the area of impact for wildfire risk is much greater than the environmental documents assumed. This modeling information was shared with SDG&E and fire consultant representatives at the fire agency group meetings for the project this spring.

In addition to modeling the extent of the fire risk, the County also modeled the homes at risk using the same perimeter that the FEIR/EIS used for the impact analysis. Publicly available information from the County Assessor was used to determine potential homes (single-family and multi-family structures) at risk. According to the modeling, 2,424 homes would be at risk in the area for a 2-burn period, and 2,650 homes for a 4-burn period, instead of the 1,400 homes identified in the PMR on page 3-50 related to ¼ mile distance for noise receptors or the amount tabulated (1,300 to 1,600?) from Table D.15-25 of the FEIR/EIS. Based on the discussion at the fire agency meetings with SDG&E, the PMR should have provided an update to the number of homes at risk based on the most current project alignment. Once that updated number is provided, mitigation measure F-1e should be modified to reflect the corrected number. County GIS staff is available to share data relating to this modeling. In addition to a map showing the location of the homes, a table with the parcels identified is also available.

19. Page 3-59, Section 3.3.10.2, Water Use – This section should explain that as a result of the alignment chosen, the water supply needed to be changed. This section should also explain that the area the project crosses is predominantly groundwater dependent. Groundwater quality and availability is a major issue for the communities located outside of the County Water Authority service area. The County met with SDG&E earlier this year to discuss the potential to use groundwater for construction and operation and maintenance needs. We anticipated receiving a groundwater study this spring. Some property owners in the area with water wells have stated that SDG&E approached them about purchasing groundwater. The PMR makes no mention of groundwater usage during construction or for operation and maintenance of the substation or temporary construction yards. Given the uncertainty regarding this issue, the PMR should clearly state whether the project is or is not going to use groundwater.

If the project will use groundwater, the potential impacts must be analyzed. If the project, including operation of the substation, will use only the water sources listed in the PMR, then it would be appropriate to include language in the mitigation measures and in the permit from the CPUC, a prohibition on the use of groundwater. The water study mentioned in the PMR should be made available for public review, and service availability or commitment letters should be provided to substantiate the conclusions reached in the PMR. Without this information, the PMR lacks analysis to support its conclusion.

20. Page 3-61, Air Quality and Traffic Impacts associated with Water Supply – No data or analysis is provided to substantiate the conclusions reached in these two sections.
21. Page 4-51, Table PMR13, Biology – This Table includes a new 92-acre construction storage yard on the Rough Acres Ranch, the same area where 400 Jacumba milk-vetch plants have been identified. The impact to Jacumba milk-vetch is a substantial increase in severity over what the FEIR/EIS disclosed. Without the biology report to review, it cannot be determined if this is also a regionally significant impact to this rare plant.

In addition, SDG&E has been working on Rough Acres Ranch to bring the structures up to building code requirements and obtain permits for the structures on the site. Within the past month, a permanent fence has been installed around the perimeter of this construction yard in anticipation of this proposed use. It is expected that the fencing would remain after the temporary construction yard use concludes. If the fence is permanent, it would be a permanent impact to wildlife movement across this site.

22. Page 4-52, Table PMR13 –

- a. Geology/Minerals: Two other storage yards were consolidated into this one larger yard at a new location at Rough Acres Ranch. The PMR states that “although ground disturbance would increase, the type and severity of impacts would not be greater than that associated with construction yards in other PMR units.” The PMR fails to provide an explanation and analysis to support this conclusion.
- b. Land Use: The impacts of having a large storage yard at Rough Acres Ranch were not analyzed in the FEIR/EIS, and the PMR does not provide for an analysis of the impacts either. Minor changes to the alignment would be expected for a project of this magnitude, but relocating storage yards that have the potential to cause significant impacts (noise, community character, dust, traffic, lighting, aesthetics, etc.) are not a minor adjustments in alignment.
- c. Land Use: The PMR states that “although the modified construction yard is proposed in a new location, the land owner was notified about the project during the EIR/EIS process...” The EIR/EIS did not identify a storage yard at this location (Same issues as #15 above). Relying on the notice of the Draft EIR is not adequate because, at that time, no project facilities were proposed adjacent to these landowners. Consequently, there were no potential impacts to identify or mitigate. Now, however, there may be impacts.
- d. Noise: Two storage yards were consolidated into the Rough Acres yard. Consequently, the duration and/or the severity of noise impacts would be expected to be greater than two smaller, less active yards. In addition, a much larger number of towers will be constructed with helicopters than was anticipated with this alternative in the FEIR/EIS. This change in the project would also increase the noise at the construction yards. The PMR analysis does not support the stated conclusion that the type and severity of noise impacts would not be greater than the previous two-yard configuration that did not include the additional towers constructed with helicopters (the baseline previously identified in the FEIR/EIS).

23. Page 4-64, Table PMR16, Land Use – The last sentence in this paragraph states that the sensitive receptors in Thing Valley would be addressed in more detail as part of PMR17. However, PMR17 on page 4-69 does not address these sensitive receptors.

24. Page 4-123, Table PMR33, Air Quality – Many more sensitive receptors are directly adjacent to the new construction yard in Alpine than were previously identified. The conclusion that there is no substantial change in the effects of the FESSR is not substantiated.

25. Page 4-124, Table PMR33, Land Use – Same comment as 22. b above. Stating that the adjacent residential development should have used the public review period for the Draft EIR/EIS to comment on a storage yard that, at that time, was not located directly adjacent to their homes, is illogical and excludes the public from the review process.

OTHER PROJECT ISSUES

26. Please also confirm that the CPUC will amend or modify the Certificate of Public Convenience and Necessity (CPCN) to address the ancillary project components, such as the new locations for construction yards and helipads on private lands outside of the transmission line easements that were not analyzed in the original FEIR/EIS or addressed in the original project approval. As the County stated in its October 7, 2009 letter, unless these ancillary project components are included in the CPCN for this project, the permitting authority would fall to the County. Either the CPUC or the County must ensure that each ancillary component will not cause impacts to the communities, residents or resources where each project component will be located.

The County recognizes the effort that SDG&E has put towards reducing impacts wherever possible. The vast majority of the project modifications resulted in fewer direct impacts, which shows a positive effort to reduce impacts. However, the PMR often fails to provide a complete analysis of the potential impacts of each change and new component of the project, an analysis that is needed to determine if each change or new project component would cause new significant impacts are more severe impacts than were previously disclosed.

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. We look forward to receiving future environmental documents related to this project. If you have any questions regarding these comments, please contact LeAnn Carmichael at (858) 694-3739 or email at leann.carmichael@sdcounty.ca.gov.

Sincerely,



ERIC GIBSON, Director
Department of Planning and Land Use

Attachments – Fire Modeling

cc: Cleveland National Forest
Megan Jones, CAO Staff Officer, DCAO, (via email)