

Responses to Comment Set B0041 Center for Biological Diversity/Sierra Club

B0041-1 The Center for Biological Diversity and the Sierra Club (CBD/SC) request that the Draft EIR/EIS be recirculated for several reasons. Each reason is addressed below:

(a) Failure to adequately consider the environmental impacts of the October 2007 fires. **Response:** The October 2007 fires did change the environmental setting of the region, especially in terms of biological resources and visual resources. However, the burn areas are expected to recover with similar habitat values and eventually, they will look similar to how they did before the fire. Given that the purpose of the EIR/EIS is to define the potential effects of the proposed transmission line and its alternatives, the change in conditions in the fire area was not considered to alter the impact analysis presented in the Draft EIR/EIS. Furthermore, the environmental settings must describe a description of the environmental conditions as they exist at the time of the notice of preparation (NOP). (CEQA Guidelines § 15125.) Please see also General Response GR-9 (Fire Risk and the Comparison of Alternatives) and Response to Comment G0013-1.

(b) Failure of SDG&E to provide agencies and the public with sufficient species surveys necessary to understand the extent of impacts. **Response:** Please see General Response GR-16.

(c) Failure of SDG&E to use detailed and adequate species surveys to design routes and alternatives that would reduce the number of significant impacts of each alternatives. **Response:** Please see General Response GR-16.

(d) Failure to adequately disclose how alternatives will impact permitting under existing and developing multi-species conservation plans in the region. **Response:** Please see General Response GR-17.

(f) [sic] Failure to address the full extent of increases in global warming emissions anticipated by the project. **Response:** Please see General Response GR-8 (Greenhouse Gas (GHG) Impacts of Sunrise Powerlink Project and Non-Wires Alternatives). The EIR/EIS presents a complete discussion of greenhouse gas emissions in Section D.11, Air Quality.

The commenter requests that the comments in Attachment 1, prepared by volunteers from the San Diego Chapter of the Sierra Club, be considered. The comments presented in Attachment 1 coincide with comments received from individuals.

See Response to Comment D0132 regarding Attachment 1 Section I, DEIR/EIS (Does not take into consideration the Williams Land Act and Williamson Act land cancellation processes). Regarding seismic hazard zones, liquefaction, and erosion potential of the soils traversed by the project, see Sections D.13, E.1.13, E.2.13, E.3.13, and E.4.13 in the Draft EIR/EIS.

Increased erosion and water runoff, Attachment 1 Section II, is addressed in Section D.12, E.1.12, E.2.12, E.3.12, and E.4.12. Erosion potential of the soils traversed by the project is listed in Sections D.13, E.1.13, E.2.13, E.3.13, and E.4.13 in the Draft EIR/EIS. See Response to Comment D0039-1 regarding transmission losses over distances.

Regarding wildfire potential, Attachment 1 Section III, including climate change and the 2007 fires, see Sections D.15, E.1.15, E.2.15, E.3.15, and E.4.15 in the Draft EIR/EIS and General Response GR-9.

Regarding the LEAPS alternative, Attachment 1 Section IV, see Section E.7, General Response GR-4, and Response to Comment D0119. For a comparison of the LEAPS Alternative to the other transmission line alternatives see Section H, Comparison of Alternatives.

See General Response GR-5 regarding the importation of Mexican generation, which is addressed in Attachment 1 Section V, Unintended use of lines after construction.

For Attachment 1 Section VI, see Response to Comment Set D0120 regarding the Native Tecate Cypress. See Responses to Comment Set D0120 and General Response GR-16 regarding adequacy of the biological survey techniques. See Response to Comment Set D0120 regarding Western Pond Turtles and road access in the Route D Alternative.

For Attachment 1 Section VII, visual impacts are addressed in Section D.3, E.1.3, E.2.3, E.3.3, and E.4.3 of the Draft EIR/EIS. Property values are addressed in Section D.14, E.1.14, E.2.14, E.3.14, and E.4.14, and also General Response GR-11. EMF is addressed in Section D.10, E.1.10, E.2.10, E.3.10, and E.4.10 and in General Response GR-10.

Attachment 1 Section VIII addresses health impacts which are discussed in Section D.10, E.1.10, E.2.10, E.3.10, and E.4.10 of the Draft EIR/EIS. Mitigation is required to minimize health impacts and monitoring of this mitigation would be required by the CPUC and BLM. See Section I, Mitigation Monitoring, of the Draft EIR/EIS. Wilderness is addressed in Section D.5, Wilderness and Recreation. Effects of construction were included in the entire analysis of the Draft EIR/EIS, including greenhouse gases (Section D.11) and loss of biodiversity (Section D.2). Impacts to Imperial County were included in the D Sections of the Draft EIR/EIS as the Imperial Valley Link is located in Imperial County.

See Response to Comment Set D0001 regarding Attachment 1 Section IX. Comments on all elements of the Route D Alternative.

B0041-2 The data provided in CBD/SC's Attachment 2, which presents total numbers of significant impacts for various projects, is acknowledged as one way to compare impacts. However, this "bigger picture" does not take into account other important comparison factors, such as the length and size of the transmission line, the environmental setting of the line, the disturbance present in or adjacent to the corridors, etc. The comparison of the number of significant and unmitigable impacts provides one method to compare different projects. However, as described in Draft EIR/EIS Section H (Comparison of Alternatives), when comparing alternatives, it is more informative to compare the extent of each impact (e.g., the number of acres affected, or the importance of cultural sites affected).

Regarding removal of wilderness designation, please note that SDG&E provided documentation of one case where federal wilderness in a National Park in Alaska has been de-designated. However, this has not occurred for State Parks in California.

B0041-3 CBD/SC's agreement with the conclusions of the Draft EIR/EIS regarding comparison of alternatives is acknowledged. Please see General Response GR-6 (Smart Energy 2020 and All-Solar Alternatives) for additional discussion of solar and in-basin alternatives.

B0041-4 The CBD/SC summary of NEPA and CEQA requirements is acknowledged. The CPUC and BLM have followed all relevant requirements and prepared a thorough and detailed EIR/EIS that discloses impacts for consideration by the public and the agency decision-makers. The commenter states that cumulative actions and effects must be considered in a NEPA review, including identification and analysis of cumulative impacts. The cumulative impact analysis in Section G of the Draft EIR/EIS was conducted accordingly.

B0041-5 The Alternatives Screening Report (Appendix 1 of the Draft EIR/EIS) is 358 pages long and includes consideration of nearly 100 alternatives. This attests to the CPUC and BLM's serious effort to provide a reasonable range of alternatives to the Sunrise Powerlink Project.

CBD/SC suggest that a Sunrise decision that does not select one of the LEAPS Alternatives will require that these alternatives be found to be found to be infeasible. The CPUC and BLM will make the final determination as to the feasibility of project alternatives based on substantial evidence contained in the EIR/EIS and the administrative record.

B0041-6 See General Response GR-1 and GR-2 for information on the feasible and viable Non-Wires Alternatives that are analyzed in the Draft EIR/EIS. The comment recommends consideration of photovoltaic systems, which are included as part of the development scenarios of the Non-Wires Alternatives. An EIR is not required under CEQA to consider every conceivable alternative. (CEQA Guidelines § 15126.6(a).) Similarly, the Council on Environmental Quality's (CEQ) NEPA Regulations provide that "[w]hen there are potentially a very large spectrum of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS." (CEQ 40 FAQs, No. 1b.) Photovoltaic systems are within the range of alternatives considered in the EIR/EIS (see also General Response GR-2).

B0041-7 The comment advocates increased energy efficiency. The EIR/EIS's No Project/No Action alternative considers the possibility of increased energy demand in SDG&E's service area. (See Section C.6.2.1) The analysis discusses the possibility of diverting funds that would have been used for the Proposed Project to improve the economic feasibility of certain demand-side projects. Thus, energy efficiency has been considered as a project alternative.

B0041-8 Neither CEQA nor NEPA require the EIR/EIS to consider the comparative cost of the project and its alternatives. The CPUC will consider cost in its final decision on SDG&E's application. CBD/SC notes that alternatives to the Sunrise Powerlink as proposed would reduce the environmental impacts of the project. Please see Section H (Comparison of

Alternatives) of the Final EIR/EIS, which ranks the Proposed Project as environmentally inferior to many of the alternatives.

- B0041-9 CBD/SC states that SDG&E has identified another expansion plan in its Phase 2 testimony, and questions whether a complete application was ever fully submitted by the Company (SDG&E). The potential future expansion routes defined in the EIR/EIS are as complete as can be identified at this time based on the information provided by SDG&E in response to data requests and reasonable assumptions that were drawn from this information. The EIR/EIS evaluates the impacts of these routes, but any future transmission lines will require additional project-level CEQA and/or NEPA analysis, including consideration of alternatives.
- B0041-10 The commenter states that an environmental baseline needs to be established based on up-to-date, protocol biological surveys conducted during the appropriate seasons for sensitive plant species and vegetation communities and sensitive animal species. The commenter further states that full disclosure of survey methods and results must be implemented to ensure compliance with CEQA and NEPA. The commenter asserts that one major problem with the Draft EIR/EIS is that it describes biological impacts as significant, yet requires surveys as mitigation. The commenter's statement that, typically, numerous years of surveys are conducted before the Draft EIR/EIS to craft a proposed project and alternatives that avoid or minimize impacts to sensitive resources, and then propose mitigation, is acknowledged. Additionally, the commenter's statements that the Draft EIR/EIS's approach is hurried and rushed and not a comprehensive evaluation, and that failure to conduct sufficient surveys prior to construction effectively eliminates the function of surveys (i.e., to minimize harm and reduce the need for mitigation) is also acknowledged. The large number of alternatives and inability to access all of the routes precluded years of surveys prior to the approval of the project. In response to this issue, a project survey approach was carefully developed in consultation with the Wildlife Agencies that ensured that prior to construction, adequate surveys will be conducted to identify all impacts and appropriate mitigation. See General Response GR-16 (Adequacy of Biology Surveys).
- B0041-11 The commenter states that 2007 was one of the driest years on record in California and acknowledges that the Draft EIR/EIS recognized this. The commenter notes correctly that the drought conditions precluded surveys for the Quino checkerspot butterfly, and that impacts to special status plant species were considered significant because the drought conditions precluded the ability to identify, in particular, annual plant species. However, the commenter is concerned that the Draft EIR/EIS fails to quantify the impacts to special status plant species. As stated in General Response GR-16, surveys for the Quino checkerspot butterfly, Hermes copper butterfly, and special status plant species were completed in 2008 by SDG&E for the Proposed Project and alternatives because 2008 was a better rainfall year than 2007, and SDG&E was concerned that if unfavorable weather/rainfall conditions occurred in future years (2009, 2010, etc.), it might have missed a survey window opportunity. A summary of the 2008 survey results are included in new Appendix 8R in the Final EIR/EIS. Please note that CEQA does not require a lead agency to conduct every test or perform all research, study and experimentation recommended or demanded by commentors." (CEQA Guidelines § 15204(a).) Further, "the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible." (CEQA Guidelines § 15151.)

Of those annual/herbaceous species that were observed, the impacts were quantified as shown below, the Delicate Clarkia is an example of this quantification (Section D.2.9, page D.2-100 of Volume 1 of the Draft EIR/EIS). Even though this species was observed in a portion of the project range, the actual amount of the impact is inconclusive because the dry conditions were expected to prevent germination/growth, so the impact is still considered Class I. Section D.2.9 of Volume 1 of the Draft EIR/EIS was modified as follows:

Delicate Clarkia. Delicate clarkia is an annual herb that was observed in the Central and Inland Valley Links. A total of up to 225 individual delicate clarkias would be affected by construction of the Proposed Project as follows. Up to 50 individuals would be affected during vegetation removal at the Central East Substation site (Appendix 8A, Figure Ap.8A-16). Up to 35 individuals would be affected during construction of an access road near MP 99 (Appendix 8A, Figure Ap.8A-17). [...] Up to 50 individuals of...

The mitigation for impacts to special status plant species has been revised in Section D.2.9 (page D.2-103) of Volume 1 of the Draft EIR/EIS to include that a pre-construction survey for special status plant species be conducted in the spring of a year with adequate rainfall, as follows, so that the impacts can be minimized and the need for mitigation reduced.

B-5a Conduct rare plant surveys, and implement appropriate avoidance/minimization/compensation strategies. A qualified biologist shall survey for special status plants in the spring of a year with adequate rainfall prior to initiating construction activities. If a survey can not be conducted due to inadequate rainfall, then SDG&E shall consult with the Wildlife Agencies, State Parks (for impacts in ABDSP), and the USFS (for impacts on National Forest lands) to determine if construction may begin in the absence of survey data and what mitigation would be required, or whether construction would not be allowed until such data is collected.

B0041-12 The commenter wants to know how the CPUC and BLM will ensure that all proposed impact areas, that were not surveyed because they were not known at the time of survey (e.g., access roads and staging areas outside the 200-foot PSA), will be surveyed at the appropriate time of year and under appropriate climate conditions prior to construction and how the CPUC and BLM will ensure that impacts are avoided, minimized, or mitigated. Where species are assumed to be present and impacted in areas not surveyed, protocol level, pre-construction surveys would be required that would determine the presence or absence of species, and the mitigation required may be reduced or eliminated based on the results of these surveys. See General Response GR-16, Adequacy of Biology Surveys and Response to Comment B0041-11.

For example, Mitigation Measure B-7i in Section D.2.11 (page D.2-129) of Volume 1 of the Draft EIR/EIS states that a pre-construction, USFWS protocol presence/absence survey for the adult QCB shall be conducted within all suitable habitat for this species in the construction zone within any designated USFWS QCB survey area. The survey shall be conducted in a year where the QCB is readily observed at USFWS QCB-monitored reference sites...

Similar protocol level, pre-construction survey requirements are included for other species such as the burrowing owl, least Bell's vireo, southwestern willow flycatcher, desert tortoise, arroyo toad, Stephens' kangaroo rat, and coastal California gnatcatcher. Table D.2-24, Mitigation Monitoring Program – Biological Resources (pages D.2-510 through D.2-536) of Volume 1 of the Draft EIR/EIS, includes the complete text of each mitigation measure and identifies the location and timing of the mitigation, the effectiveness criteria for the mitigation, the responsible agency(ies), and the monitoring/reporting action required.

B0041-13

The commenter states that it concurs with the conclusions of the Draft EIR/EIS; however, the commenter believes that some issues could have been more fully addressed. The commenter attached the CPUC testimony of Ileene Anderson, Jerre Stallcup, Dr. Esther Rubin, Richard Halsey, and Dr. Travis Longcore, which addresses these issues, and requested that the CPUC and BLM consider the testimony in responding to these comments. It is acknowledged that some of the issues raised in the testimony could have been more fully addressed in the Draft EIR/EIS or other responses to comments on the Draft EIR/EIS. These issues are related to rare plants, landscape-scale habitat fragmentation, type conversion, Las California Binational Conservation Initiative, avian collision/electrocution, predation of special status species, helicopter flyover effects, and EMF effects. Other testimony issues (e.g., wind development impacts on birds and bats or other indirect impacts to Peninsular bighorn sheep) relate to impacts that were considered significant and not mitigable to less than significant levels (Class I) in the Draft EIR/EIS and do not change the significance conclusions of the Draft EIR/EIS, which, as the commenter states, it concurs with, so they are not addressed here.

Rare Plants. The testimony of Ileene Anderson states that the impact analysis for rare plants fails to identify if the continued existence of the species will be jeopardized by the impacts, as is required under the federal Endangered Species Act. A jeopardy opinion is made by the USFWS following a formal Section 7 consultation, which is a separate process from the CEQA/NEPA impact analysis. The Sunrise Powerlink project will be subject to the formal Section 7 consultation process. Based on existing survey data, extent of project impacts and anticipated potential plant populations, impacts to plants species as a result of implementation of the Proposed Project or any of the alternatives are not at the current time anticipated to result in a jeopardy opinion.

Landscape-Scale Habitat Fragmentation. Other statements in the testimony, primarily of Jerre Ann Stallcup, Conservation Biology Institute, are that there would be landscape-scale effects of habitat fragmentation (i.e., from the roads and fuel management) from the project (e.g., potential promotion of invasion of exotic arthropods and plant species) and from global climate change that would tend to increase the potential for local extinction of species in any given habitat patch, and that these effects would be “substantially adverse, permanent, and unmitigable.” The comments seem to imply that everywhere the project is constructed, it will result in habitat fragmentation. Landscape-scale habitat fragmentation is a broad term and unfortunately the testimony did not provide a formal definition. Rather than a definition, the testimony provided an explanation of the results of fragmentation (e.g., reduction in connectivity, increase local extinction rates, and increase non-native species invasion). Generally the term means that there is a disruption of continuity in pattern or processes, such as changes in species composi-

tion, species diversity, habitat connectivity, and ecological function.¹ The new 14-foot-wide access roads would result in an increase in edge effects (i.e., a greater interface between undeveloped land and disturbed or developed lands) and would fragment habitat.

The Draft EIR/EIS did not address landscape-scale habitat fragmentation as a separate impact, but did address fragmentation indirectly through construction activities impact analysis completed for Impacts B-3 (introduction of non-native plant species), Impact B-6 (construction impacts, including access roads, on non-sensitive wildlife species), Impact B-7 (construction impacts, including access roads, on sensitive and listed wildlife species), Impact B-8 (impacts to nesting birds from construction including use of access roads), Impact B-9 (wildlife corridors), and Impact B-11 (increased predation). Impact B-7B provided additional discussion of habitat fragmentation because of the impacts to big-horn sheep. Fragmentation was also addressed indirectly for maintenance activities (Impact B-12). Mitigation Measure B-1a (page D.2-88 of Volume 1 of the Draft EIR/EIS) has been revised (see below) to require SDG&E to coordinate with land owners on the installation of gates to prevent unauthorized use of access roads and to include funding to provide off-road vehicle patrols. See also Responses to Comments A0024-9 and A0024-11 for a discussion of access gates and the revisions to Mitigation Measure B-1a. The effects of fragmentation have been adequately addressed through the analysis of the impacts listed above and this need not be called out as a separate significant impact.

B-1a Provide restoration/compensation for affected sensitive vegetation communities. ... All limits of construction shall be delineated with orange construction fencing. ~~During and after construction, entrances to access roads shall be gated to prevent the unauthorized use of these roads by the general public.~~ SDG&E shall coordinate with the authorized officer for the applicable federal, State, or local land owner/administrator at least 60 days before construction in order to determine if gates shall be installed on access roads, especially trails that would be dually used as access roads, to prevent unauthorized vehicular access to the ROW. Gate installation shall be required at the discretion of the land management agency. On trails proposed for dual use as access roads, gates shall be wide enough to allow horses, bicycles, and pedestrians to pass through. SDG&E shall document its coordination efforts with the administering agency of the road/trail and provide this documentation to the CPUC, BLM, and all affected jurisdictions 30 days prior to construction. Signs prohibiting unauthorized use of the access roads shall be posted on these the installed gates. To control unauthorized use of project access roads by off-road vehicle enthusiasts, SDG&E shall provide sufficient funding to land management entities responsible for areas set aside for habitat conservation to provide for off-road vehicle enforcement patrols. The responsible land management entities will formulate what funding is reasonable to control unauthorized use of project access roads.

Type Conversion. The testimony also includes a statement that the cumulative impacts of type conversion after recent fires should be reassessed, especially where the project

¹ M. J. Groom, G. K. Meffe, and R. Carroll, *Principles of Conservation Biology*, 3rd edition. Sinauer Associates, Inc., 2006.

crosses through these burned areas because they are more susceptible to type conversion (see Testimony of Jerre Ann Stallcup, Conservation Biology Institute: 1b. Access roads as a source of fire-ignition and further type conversion). While it may be true that recently burned areas may be more susceptible to type conversion, all native vegetation communities crossed by the project were considered susceptible to type conversion equally (a worst-case scenario), and the impact of type conversion was considered in the EIR/EIS to be Class I, significant and not mitigable to less than significant levels. However, a new mitigation measure (B-1k) has been added to mitigate the effects of project-caused type conversion. Please see Responses G0013-1 through G0013-3 for details.

Las Californias Binational Conservation Initiative. The Stallcup testimony (Section 3) suggests that the project (specifically, I-8 alternative [including the Campo North Option], La Rumorosa wind farm, and Modified Route D alternative) conflicts with this initiative and existing conservation investments. The Las Californias Binational Conservation Initiative has been described as “a shared vision for landscape-scale conservation strategies, sustainable land use planning, and workable long-term management programs in the center of hotspot of biodiversity and cultures.”² According to the initiative, 61 percent of public land in the border region has been set aside as open space and is administered by federal, state, and local government agencies. While the CPUC and BLM acknowledge the Las Californias Binational Conservation Initiative, they are not obligated under CEQA, NEPA or any other law to analyze the implications of projects on non-governmental conservation efforts. Further, to the extent any of the 61 percent of land referenced above is within the Cleveland National Forest or ABDSP, impacts to these lands were accounted for in the Draft EIR/EIS in the Anza-Borrego Link and in the Southern Route Alternatives, and authorizations for the project are required in many cases for it to affect these lands (e.g., special use authorization from the USFS for impacts to National Forest lands). For La Rumorosa, the specific location and design of the wind farm was not disclosed by Sempra, Cannon, or SCE, so in order to evaluate the potential effects of the project, a hypothetical description was developed for the Draft EIR/EIS, and the site was selected based on the existing CFE La Rumorosa Substation and wind resource areas for the region (see RWD Siting, page B-129 of Volume 1 of the Draft EIR/EIS). An updated impact analysis for the La Rumorosa Wind Energy Projects was analyzed based on the information in the Sempra Presidential Permit, and Addendum to the Presidential Permit and can be found in Section 2 of the RDEIR/SDEIS.

Avian Collision/Electrocution. The assertion in the testimony of Travis Longcore, PhD, that the project’s preliminary design analyzed in the Draft EIR/EIS is inconsistent with the APLIC 1994 guidelines is acknowledged. However, the Draft EIR/EIS did not claim that the project would follow these guidelines; the Draft EIR/EIS requires following these guidelines to the maximum extent feasible as mitigation. Mitigation Measure B-10a (page D.2-147) of Volume 1 of the Draft EIR/EIS has been revised to make this more clear as follows:

² http://64.233.167.104/search?q=cache:pZFXtMMMJCkJ:www.consbio.org/cbi/cbi_at_work/work_in_progress.htm+las+californias+Binational+Conservation+Initiative&hl=en&ct=clnk&cd=1&gl=us

B-10a Utilize collision-reducing techniques in installation of transmission lines.

The Applicant shall install the transmission lines utilizing Avian Power Line Interaction Committee standards for collision-reducing techniques as outlined in “Mitigating Bird Collisions with Power Lines: The State of the Art in 1994” (APLIC, 1994) as follows. Placement of towers and lines shall not be located above existing towers and lines, topographic features, or tree lines to the maximum extent practicable. Power lines should be clustered in the vertical and horizontal planes ~~to the maximum degree feasible~~, aligned with existing geographic features or tree lines, and located parallel (rather than perpendicular) to prevailing wind patterns to the maximum degree feasible.

Within the testimony, a statement was made that it is remarkable that no data regarding collisions (or electrocutions) from SDG&E was provided (Testimony of Travis Longcore on Behalf of the Center for Biological Diversity and the Sierra Club, p. 4). SDG&E did provide a report of Avian Interaction with Power Lines: A Risk Assessment Analysis for the Sunrise Powerlink Project (Pandion Systems, Inc., 2006) within its Proponent’s Environmental Assessment as part of its amended application to the CPUC in August 2006. This report concluded that, overall, the risk to birds from collisions would be low but that there are certain areas (e.g., certain “flyways”) that need site-specific analyses for collision risk. Phil Unitt, bird expert for the CPUC and BLM and Collections Manager at the San Diego Natural History Museum, provided his opinion of where highly utilized avian flight paths (i.e., flyways) cross through the project and alternatives areas and where mitigation for collision (e.g., Firefly Flapper/Diverter) would be necessary. Mitigation was required in those areas in the Draft EIR/EIS. Additionally, where markers such as diverters were required, the applicant would be required to fund a study to determine the effectiveness of the markers as a collision prevention measure. If the study shows the markers to be ineffective, the applicant would be required to coordinate with the Wildlife Agencies and State Parks (for markers in ABDSP) to develop alternate collision protection measures. Even with the mitigation, the impact from collision for special status species is still considered Class I, significant and not mitigable to less than significant levels. It is only considered Class II, significant and mitigable to less than significant levels, for non-sensitive species or species that migrate by day (see Section D.2.14 in Volume 1 of the Draft EIR/EIS). It is also stated in the Longcore testimony (pp. 8-9) that there is no account for the collision risk of underbuilding 69 kV or 92 kV transmission lines on the new transmission tower structures. The risk of collision with the underbuilds was considered in the analysis of collision with the new structures, and even with the mitigation, the impact from collision for special status species, is still considered Class I, significant and not mitigable to less than significant levels. It is only considered Class II, significant and mitigable to less than significant levels, for non-sensitive species or species that migrate by day. Text has been added to the Draft EIR/EIS for the Proposed Project (Impact B-10 on page D.2-146 of Volume 1), as follows, to clarify that the underbuilds were considered.

Collision. Mortality as a result of collision with Proposed Project features would be greatest where the movements of migrating birds are the most concentrated. For the Proposed Project this area is the southeast to northwest Grapevine Canyon corridor to Lake Henshaw (for land and water birds) and the route through Borrego Valley and up Coyote Canyon (for the State listed Swainson’s hawk). These areas are generally between MP 50 and MP 88 of the Proposed Project. Mortality as a result of

collision with underbuilt 69 kV (from MP 75 to MP 88 in the Anza-Borrego and Central Links) and 92 kV (from MP 61 to MP 68 in the Anza-Borrego Link) transmission lines on 500 kV towers would also be expected to occur.

Text has also been added to the Draft EIR/EIS for the Overhead 500 kV ABSDP Within Existing ROW Alternative (Impact B-10 on page D.2-348 of Volume 1), as follows, to clarify that underbuild was considered.

The primary issue with respect to birds and transmission projects is birds colliding with the transmission towers or lines in migration, especially in spring migration when strong winds and storms are more likely to force the birds to fly at relatively low altitudes. According to the local eagle expert (Bittner, 2007), eagles do not tend to be collision victims, except on the smaller distribution lines, because their eyesight is so acute. This alternative would install large, 500 kV transmission lines and would underbuild 69 kV and 92 kV transmission lines, so the golden eagle is not expected to be impacted by collision with this alternative.

...This alternative travels through Grapevine Canyon and is in the southeast to northwest Grapevine Canyon corridor to Lake Henshaw (for land and water birds) and is in the route through Borrego Valley up to Coyote Canyon (for the State listed Swainson's hawk). These areas encompass the entire 22.5-mile alternative. Mortality as a result of collision with underbuilt 69 kV and 92 kV transmission lines on 500 kV towers along the entire length of this alternative would also be expected to occur....

Within the Longcore testimony (page 9), it is stated that the relocation of the 69 kV "distribution line" in the Central Link would pose a new electrocution risk (a 69 kV line is technically a transmission line, not a distribution line). While the existing 69 kV line would be relocated as part of the Proposed Project (along with installation of a new 230 kV transmission line), the risk of electrocution from the relocated 69 kV line would be the same because it is still a 69 kV transmission line. The vertical spacing of conductors for the relocated 69 kV in Santa Ysabel will be a minimum of 9 feet. The largest bird that could come in contact with these conductors is the California condor (with a wingspan of up to 9 feet). Although the California Condor Recovery Program is working to re-establish the condor in California and Baja, the last documented sighting of a free-flying condor in San Diego was in 1910. On April 4, 2007 a female condor released in Baja California, Mexico, crossed the border into the United States. She returned to Mexico on April 6 (http://cres.sandiegozoo.org/projects/sp_condor_sighting.html). The odds of the species occurring in San Diego County, in the Central Link, and in the area of the relocated 69 kV line is very low, so it is believed that relocated line would not present an electrocution risk to the condor. If smaller birds, however, were to roost communally, there is some potential, although very low, that multiple birds would bridge the 9-foot gap between two conductors. With SDG&E's conformance with BIO-APM-21 (i.e., structures shall be constructed to conform with "Suggested Practices for Raptor Protection on Power Lines"), it is anticipated that the Proposed Project (including the 69 kV, 230 kV, and 500 kV transmission lines) would not present an electrocution risk to these birds.

Within the Longcore testimony (page 10), it is also stated that the project does not account for the risk of electrocution from the 69 or 92 kV underbuilds. Typical vertical and horizontal clearances have been identified in Section B.3.2.1 (page B-49) of

Volume 1 of the Draft EIR/EIS for all 500 kV and 230 kV structures, which also provides vertical clearances from the 500 kV conductors to the 69 kV and 92 kV under-build conductors. The horizontal spacing between energized conductors of the 69 kV and 92 kV underbuild conductors through ABDSP is designed to be a minimum of nine feet. The vertical spacing of 69 kV conductors for the relocated 69 kV in Santa Ysabel will be a minimum of nine feet. Minimum conductor clearances to the transmission structure surface and hardware are based on GO-95, Table 1, Cases #8 and #9 requirements. Clearances to climbable structure surfaces will be increased from GO-95 clearances and based on Cal-OSHA requirements for approach distances. It is likely that the actual clearances will be greater than these minimums; final determination of clearances for each structure will be determined during final engineering of the project which will meet all minimum spacing requirements of CPUC General Order 95. Since the bird species with the largest wingspan that could be affected is the California condor with a wingspan of up to nine feet, the project is not anticipated to pose an electrocution risk to birds.

Predation of Special Status Species. The Longcore testimony (page 10) asserts that new transmission towers would alter the distribution of raptors (i.e., red-tailed hawks) in the landscape resulting in the concentration of predator activity in certain areas and effects on sensitive species. While this assertion is acknowledged, the red-tailed hawk is already widespread in much of the project area, it hunts by day, and its prey base are primarily rodents. Most rodents that are active during the day when the red-tailed hawk hunts are not sensitive (i.e., special status) species. Although it is possible that some special status species could be affected by red-tailed hawks nesting on new towers and hunting in the area of these towers, it is anticipated that the impact would be adverse and less than significant.

Helicopter Flyover Effects. A claim in the Longcore testimony (page 13) is that other wildlife groups (particularly raptors) are affected by helicopter flyovers and not just Peninsular bighorn sheep. Mitigation Measure B-8a (Section D.2.12, page D.2-141 of Volume 1 of the Draft EIR/EIS) has been revised in response to this comment as follows:

If project construction (not vegetation clearing or tree trimming/removal) including the use of helicopters cannot occur completely outside the raptor breeding season, then pre-construction surveys for active raptor nests shall be conducted by a....

EMF Effects. The Longcore testimony asserts that the EMF management plan contained in the Draft EIR/EIS ignores the adverse impacts of EMFs on wildlife that have been documented in scientific literature. The testimony includes the following statement. “Even though relatively few studies of the effects of EMFs on birds have been completed, ‘much of the research has found that EMF exposure has generally affected birds, and most of the effects have been adverse’. Since there have been few studies completed, as is admitted in the testimony, the significant effects the Sunrise Powerlink project on birds, and more specifically, on special status bird species, if any, would be speculative at this time. The information that is currently available does not support a finding that EMFs would have significant effects on birds. Therefore, this issue is not addressed in Section D.2 Biology.

B0041-14 The commenter asks if the term “special status species” includes the Cleveland National Forest Management Indicator Species (MIS). If not, the commenter states that they should be included as required by Forest Service regulations. The MIS were not considered special status species unless they met at least one of the “special status” criterion listed in Section D.2.1.1 (page D.2-1) of Volume 1 of the Draft EIR/EIS or Section E.1.2.1 (page E.1.2-1 through E.1.2-2) of Volume 4 of the Draft EIR/EIS. The MIS included in Appendix 8M of Volume 6 of the Draft EIR/EIS were selected because they occur in the project area, their population trends are considered indicative of the effects of USDA Forest Service management activities, and they are a focus for monitoring. Potential project effects on these MIS were analyzed in Appendix 8M of Volume 6 of the Draft EIR/EIS. Also see Response to Comment A0009-29.

B0041-15 The commenter’s statement that far more than five years of monitoring will be required to ensure successful establishment of restored habitat is acknowledged. Mitigation Measure B-5a in Section D.2.9 (page D.2-104) of Volume 1 of the Draft EIR/EIS requires five years of maintenance and monitoring, or until all established success criteria are met, which could be well beyond five years.

B0041-16 The commenter’s requests that Proposed Critical Habitat, National Forests, and any special National Forest land use category be considered “Special Habitat Management Areas.” The USFWS (via personal communication between Chris Otahal and HELIX Environmental Planning, Inc on June 27, 2007) stated that proposed critical habitat is not considered in the Section 7 consultation and would not be pertinent to analyze in the Draft EIR/EIS. Therefore, only currently designated critical habitat is considered in evaluating the impacts to critical habitat. Impacts to proposed critical habitat would not be considered an impact to a “Special Habitat Management Area.” The Draft EIR/EIS already includes National Forest lands where they occur (i.e., along the southern route alternatives). Section E.1.2.2 (page E.1.2-10) of Volume 4 of the Draft EIR/EIS lists the Special Habitat Management Areas (including National Forest lands) that occur in the project area for the southern route alternatives. Page D.2-11, which was referred to in the comment, does not include National Forest lands because that section of the document (i.e., D.2.1.2.1) refers to the Proposed Project and northern alternatives that do not affect National Forest lands.

B0041-17 The commenter claims that the chaparrals between Mileposts (MP) 146 and 148 are southern maritime chaparral, and that impacts to this vegetation community should be considered significant and not mitigable. The commenter states that the mitigation should be consistent with City of San Diego mitigation requirements for impacts to the MHPA. The commenter’s statement that that most, if not all, of the mitigation should include offsite acquisition and protection is acknowledged. The chaparral designations between MP 146 and 148 have been changed to southern maritime chaparral. This change is reflected by revisions to the Draft EIR/EIS as follows:

Table D.2-2 (page D.2-24) of Volume 1 of the Draft EIR/EIS has been revised to show that southern maritime chaparral occurs in the Coastal Link as follows:

Table D.2-2. Vegetation Communities – Proposed Project Study Area

| Vegetation Type | Imperial Valley Link | Anza-Borrego Link | Central Link | Inland Valley Link | Coastal Link* |
|-----------------------------|----------------------|-------------------|--------------|--------------------|---------------|
| Chaparrals | | | | | |
| Southern maritime chaparral | | | | | X |

Section D.2.1.2.2 (page D.2-28) of Volume 1 of the Draft EIR/EIS has been revised to include a description of southern maritime chaparral as follows:

37C30 Southern Maritime Chaparral. Southern maritime chaparral is restricted to the weathered sands within the coastal fog belt in San Diego County from La Jolla to Carlsbad with some scattered patches to the south; Point Loma, Spooner's Mesa and Los Peñasquitos Canyon. This chaparral is dominated by wart-stemmed ceanothus (*Ceanothus verrucosus*), chamise (*Adenostoma fasciculatum*), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*), Nuttall's scrub oak (*Quercus dumosa*), and summer holly (*Comarostaphylis diversifolia* ssp. *diversifolia*).

Table D.2-7 (page D.2-86) of Volume 1 of the Draft EIR/EIS has been revised to show the impacts to, and the mitigation for, southern maritime chaparral as follows:

Table D.2-7. Impacts to Vegetation Communities and Required Mitigation – Proposed Project Area

| Vegetation Communities | Permanent Impacts (acres) | | Temporary Impacts (acres) | | | | Total Offsite Mitigation (acres) | |
|-----------------------------|---------------------------|-------|---------------------------|----------|--------------------|--------------------|----------------------------------|--------------------|
| | Impact | Ratio | Offsite Mitigation | Impact | Ratio ³ | Onsite Restoration | | Offsite Mitigation |
| Chaparrals | | | | | | | | |
| Southern maritime chaparral | 2.6-4.42 | 2:1 | 2.6-2.24 | 1.5-3.02 | 1:1 | 3.02 | 0.00 | 2.6-2.24 |

Figure D.2-7 (page D.2-83 through D.2-84) of Volume 1 of the Draft EIR/EIS and Figure Ap.8A-25 in Appendix 8A of Volume 6 of the Draft EIR/EIS have been revised so that all of the chaparral between MP 146 and 148 is shown as southern maritime chaparral.

The impacts to sensitive vegetation communities, now including southern maritime chaparral, were considered Class I, significant and not mitigable to less than significant levels. The mitigation ratios used in the Draft EIR/EIS assumed that all impacts would occur within preserve areas and all mitigation would occur in preserve areas (i.e., in this case, a 2:1 ratio for permanent impacts to southern maritime chaparral in the MHPA with acquisition of mitigation inside the MHPA). Also see General Response GR-14, Impact Calculations/Mitigation Ratios. The mitigation ratios used in the Draft EIR/EIS were developed in consultation with the USFWS, BLM, and State Parks and are based primarily on the requirements established in regional habitat conservation plans and also on mitigation required for other projects, so they are considered adequate and as such no changes to the mitigation ratios will be made.

- B0041-18 The commenter requests that several listed species identified as having a moderate to high potential to occur be assumed present unless protocol surveys prove the species is absent. The Draft EIR/EIS did just that. See General Response GR-16, Adequacy of Biology Surveys.
- B0041-19 The commenter’s statement that any impacts to particularly fragile vegetation communities, mature trees and woodlands, and the habitat of Quino checkerspot butterfly should be considered permanent and mitigated accordingly is acknowledged. The commenter’s belief that mitigation ratios for impacts to trees and woodlands should be calculated based on a combination of both acreage of canopy cover and the number of individual trees affected is also acknowledged. However, the mitigation ratios were developed in consultation with the USFWS, BLM, and State Parks and are based primarily on the requirements established in regional habitat conservation plans and also on mitigation required for other projects, so they are considered adequate and as such no changes to the mitigation ratios will be made. See GR-14, Impact Calculations/Mitigation Ratios.
- B0041-20 The commenter’s request to avoid impacts and modify the mitigation ratios for vernal pools to be consistent with City of San Diego requirements is acknowledged, as well as the suggestion that mitigation could occur in the Del Mar Mesa community. Mitigation Measure B-1b (page D.2-91) of Volume 1 of the Draft EIR/EIS prioritizes avoidance of vernal pools. The mitigation ratio for permanent impacts to vernal pools has been increased to 3:1 in Table D.2-7 (page D.2-87) as follows:

Table D.2-7. Impacts to Vegetation Communities and Required Mitigation – Proposed Project Area

| Vegetation Communities | Permanent Impacts (acres) | | Temporary Impacts (acres) | | | Total Offsite Mitigation (acres) |
|---|---------------------------|-------------------|---------------------------|---------------|---------------------|----------------------------------|
| | Impact | Ratio | Offsite Mitigation | Onsite Impact | Offsite Restoration | |
| Herbaceous Wetlands, Freshwater, and Streams | | | | | | |
| Vernal pool | 0.032 | 32:1 ⁴ | 0.094 ² | 0.135 | 2:1 | 0.2249 ² |

² Impacts to vernal pools shall be mitigated in the form of habitat restoration (USFWS, 2007b) at a 2:1 ratio outside the impact zone. The location selected for the vernal pool restoration... (see Mitigation Measure B-1b).

⁴ This ratio assumes that listed species are present in the vernal pools. Where listed species are proven to be absent, the ratio may be reduced to 2:1.

Mitigation Measure B-1b (page D.2-91) of Volume 1 of the Draft EIR/EIS has been revised to increase the mitigation ratio to 3:1 as follows:

Permanent impacts to vernal pools containing listed species (or assumed to contain listed species because absence has not been proven); 0.023 acres for the Proposed Project; see Table D.2-7) shall be mitigated in the form of vernal pool habitat restoration at a 23:1 ratio outside the impact zone.

For the Proposed Project, the required mitigation for impacts to vernal pools includes onsite restoration of 0.135 acres and restoration of 0.2219 acres of vernal pools outside the impact zone.

There were at least 70 water-holding basins mapped that were not surveyed that could support listed fairy shrimp (Appendix 8A, Figures Ap. 8A-25A, and Ap. 8A-25B), and in the absence of survey data, listed fairy shrimp are assumed to be

present in all of them. Therefore, ~~P~~permanent impacts to occupied fairy shrimp habitat (0.02 acres for the Proposed Project; see Table D.2-7 and Impact B-7N) shall be mitigated in the form of vernal pool habitat restoration at a ~~3~~2:1 ratio outside the impact zone. Temporary impacts to occupied fairy shrimp habitat (0.04 acres for the Proposed Project; see Table D.2-7 and Impact B-7N) shall be mitigated at a 2:1 ratio in the form of 1:1 on-site habitat restoration and 1:1 vernal pool habitat restoration outside the impact zone.

For the Proposed Project, the required mitigation for impacts to occupied fairy shrimp habitat includes on-site restoration of 0.04 acres and restoration of ~~0.108~~ 0.108 acres of vernal pools outside the impact zone (see Table D.2-7).

- B0041-21 The commenter's request to increase the mitigation ratio for permanent impacts to coastal sage scrub to at least 2:1 and to increase the mitigation ratio for maritime chaparral to be consistent with City of San Diego requirements is acknowledged. See General Response GR-14, Impact Calculations/Mitigation Ratios, and Response to Comment B0041-17. The mitigation ratios used in the Draft EIR/EIS were developed in consultation with the USFWS, BLM, and State Parks and are based primarily on the requirements established in regional habitat conservation plans and also on mitigation required for other projects, so they are considered adequate and as such no changes to the mitigation ratios will be made.
- B0041-22 The commenter's request to increase the mitigation ratios for temporary impacts to coastal or montane scrubs and any chaparral to 2:1 is acknowledged. See General Response GR-14, Impact Calculations/Mitigation Ratios, and Response to Comment B0041-17. The mitigation ratios used in the Draft EIR/EIS were developed in consultation with the USFWS, BLM, and State Parks and are based primarily on the requirements established in regional habitat conservation plans and also on mitigation required for other projects, so they are considered adequate and as such no changes to the mitigation ratios will be made.
- B0041-23 The commenter's request that U.S. Forest Service Regional Forester's sensitive species be treated as if they are federally listed species is acknowledged; however, these species are not federally listed, and the Cleveland National Forest Land Management Plan, for example, provides for managing sensitive species to prevent downward trends in populations or habitat capability and to prevent federal listing (see Section E.1.2.1, page E.1.2-2 of Volume 4 of the Draft EIR/EIS). A special use authorization from the USFS is required for the project where it would affect National Forest lands.
- B0041-24 The commenter would like documentation that the 15 mile-per-hour speed limit in BIO-APM-3 will adequately protect the FTHL. The Draft EIR/EIS does not claim that the 15 mile-per-hour speed limit would adequately protect the FTHL. Instead, on page D.2-109 (Volume 1 of the Draft EIR/EIS) it states, "Even with implementation of the APMs, the Proposed Project would have a substantial adverse effect...because the APMs do not include...mitigation that would adequately compensate for the impacts." Page D.2-111 of the Draft EIR/EIS states, "[h]arm and harassment of FTHLs as well as direct disturbance or mortality may result from installation and maintenance of utilities such as transmission lines." The impacts to the FTHL from construction (including mortality to the FTHL from vehicles) were considered Class I, significant and not mitigable to less than significant levels. The impacts to the FTHL from mainte-

nance (including mortality of FTHL from vehicles) were considered Class II, significant and mitigable to less than significant levels with implementation of Mitigation Measure B-7b (Implement avoidance/mitigation/compensation according to the Flat-Tailed Horned Lizard Rangeland Management Strategy). The mitigation ratios used in the Draft EIR/EIS were developed in consultation with the USFWS, BLM, and State Parks and are based primarily on the requirements established in regional habitat conservation plans and also on mitigation required for other projects, so they are considered adequate and as such no changes to the mitigation ratios will be made. See General Response GR-14, Impact Calculations/Mitigation Ratios.

B0041-25 The commenter requests that the EIR/EIS state that the Wildlife Agencies, in consultation with the CPUC and BLM, shall have the final say on whether habitat is available for mitigation compensation, and that the cost of land shall not be a factor in determining the availability of habitat compensation land. This comment is acknowledged. Mitigation Measure B-1a on page D.2-90 of Volume 1 of the Draft EIR/EIS states that all offsite mitigation parcels shall be approved by the CPUC, BLM, Wildlife Agencies, States Parks (for impacts to ABDSP), and USDA Forest Service (for alternatives with impacts to National Forest lands)). The issue of cost, including the cost of mitigation measures, is considered in the CPUC's general proceeding. Please see General Response GR-12 regarding the cost of the Proposed Project.

B0041-26 The commenter's request to consider additional mitigation measures to construct vegetated overpasses on Highway S-22 and I-8 to facilitate Peninsular bighorn sheep movement is acknowledged. Mitigation Measure B-7c has been changed as follows:

fund the design and construction of an overpass (for sheep) or tunnel (for vehicles) to facilitate PBS movement across a ~~SR-78~~ highway at a location determined by the USFWS (in coordination with State Parks and CDFG). Tunnel or overpass design must be approved by the Wildlife Agencies.

B0041-27 The commenter's request to conclude that any areas considered in the EIR/EIS as moderately to highly likely to be occupied by the arroyo toad be considered occupied and mitigated accordingly is acknowledged. The commenter's request that the EIR/EIS differentiate between mitigation for impacts to arroyo toad wetland breeding habitat and arroyo toad upland burrowing habitat is also acknowledged, as is the comment that both breeding and upland habitat impacts should be mitigated at a 3:1 ratio. Any area with potential toad habitat where absence of the toad was not determined from a USFWS protocol survey for the project was assumed to be occupied, and mitigation was required accordingly — both for breeding and upland habitat. See GR-16 (Adequacy of Biology Surveys), Impact B-7K (pages D.2-131 through D.2-132) and Mitigation Measure B-7j (pages D.2-132 through D.2-134) of Volume 1 of the Draft EIR/EIS. The mitigation ratios in the Draft EIR/EIS were reviewed, commented on, and added to by the USFWS (Chris Otahal) during the document's preparation. They are considered adequate and as such no changes to the mitigation ratios will be made. The Sunrise Powerlink project will be subject to the formal Section 7 consultation process for any impacts to the federally listed endangered arroyo toad.

B0041-28 The commenter requests to add additional mitigation measures including a five mile-per-hour speed limit and speed bumps on access roads in SKR habitat, as well as time restrictions for vehicle use of access roads in SKR habitat (i.e., no vehicles between

one hour before sunset until one hour after dawn except in emergencies). A five mile-per-hour speed limit and time restrictions for vehicles has been added to Mitigation Measure B-7k on page D.2-135 of Volume 1 of the Draft EIR/EIS as follows. Because the speed limit would already reduce the speed at which the vehicles are traveling, speed bumps would not be required.

A five mile-per-hour speed limit shall be observed on all access roads in SKR habitat, and vehicles shall be prohibited from using access roads in SKR habitat between one hour before sunset and one hour after dawn except in emergencies.

The mitigation ratios used in the Draft EIR/EIS were developed in consultation with the USFWS, BLM, and State Parks and are based primarily on the requirements established in regional habitat conservation plans and also on mitigation required for other projects, so they are considered adequate and as such no changes to the mitigation ratios will be made. See General Response GR-14, Impact Calculations/Mitigation Ratios.

- B0041-29 The commenter's request to add additional mitigation measures such as undergrounding the project and/or consolidating or undergrounding existing lower voltage distribution lines using trenchless technology to address bird electrocutions and collisions is acknowledged. The comment to underground existing distribution lines to offset aboveground segments of the project at a 1:1 ratio and that undergrounding lines will reduce the risk of wildfire is acknowledged. Bird electrocutions and collisions are addressed in Section D.2.14 in Volume 1 of the Draft EIR/EIS. As stated in Response to Comment B0041-13 the project is not anticipated to pose an electrocution risk to birds. Mitigation for collision has been included in Section D.2.14 and includes utilizing Avian Power Line Interaction Committee standards for collision-reducing techniques as outlined in "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994" (APLIC, 1994).
- B0041-30 The commenter's request to perform Quino checkerspot butterfly protocol surveys along the Coastal Link between miles 147 and 148 because its host plant, *Plantago erecta*, is common there, or assume the species is present and mitigate accordingly is acknowledged. However, *Plantago erecta*, is a common and widespread species that often occurs where the Quino does not, and this location is not within a USFWS survey area for the species. Therefore, no change has been made to the Draft EIR/EIS based on this comment.
- B0041-31 The commenter's suggestion that the construction of the Jacumba Substation would require a jeopardy determination by the USFWS for the Quino checkerspot butterfly is acknowledged, as is as the comment that locating the substation out of any suitable Quino habitat is essential. A jeopardy opinion is made by the USFWS following a formal Section 7 consultation, which is a separate process from the CEQA/NEPA impact analysis. The Sunrise Powerlink project will be subject to the formal Section 7 consultation process. Section 2.2 in the RDEIR/SDEIS addresses impacts to biological resources from the updated Jacumba Substation location and footprint, including impacts to Quino checkerspot butterfly.
- B0041-32 The commenter's concern that the Draft EIR/EIS did not adequately address the impacts of lights on power poles causing impacts on birds and other species is acknowledged.

The need for lights is driven by FAA requirements, and the project's towers do not meet those requirements. Therefore, there will be no lights on the towers.

B0041-33 The commenter states that the Draft EIR/EIS does not adequately consider impacts from moving distribution lines, including col locating transmission lines with distribution lines. See Response to Comment B0041-13, Avian Collision/Electrocution.

B0041-34 The commenter's concern that construction and routing plans for the project do not follow APLIC guidelines is acknowledged. See Response to Comment B0041-13, Avian Collision/Electrocution.

B0041-35 The comment requesting an additional mitigation measure to purchase private inholdings within impacted protected natural areas and visible from Key Viewpoints is acknowledged. The Draft EIR/EIS identified 37 mitigation measures to reduce visual impacts of the Proposed Project and alternatives. In addition, the Applicant identified nine additional measures that apply to visual resources. A number of these measures include reference to consultation with affected property owners to reduce the visual impact of the Proposed Project and alternatives. An example of some of these measures include V-3C Coordinate with affected property owners on structure siting, V-8a Structure Design consultation in ABDSP, V-25a Structure design and placement guidance, and V-45a Prepare and Implement Scenery Conservation Plan (National Forest). Because the visual resource mitigation measures address and reduce significant impacts identified through the visual impact analysis to less than significant, the requested measure was not added.

Furthermore, the effectiveness of such mitigation measures is uncertain. Private landowners may not be willing to sell their properties. Nor is it certain that willing sellers will own land in appropriate locations.

B0041-36 The commenter's opposition to any action that results in impacts to wilderness land or State parks is noted. As described in Section D.5 in Volume 2 of the Draft EIR/EIS, impacts to wilderness and recreation resulting from the Proposed Project or alternatives within ABDSP, including the Overhead 500 kV ABDSP within Existing ROW Alternative, are considered significant and unmitigable (Class I), with the exception of potential preclusion of recreational activities (Impact WR-3), which would be mitigated to less than significant if structures are not sited on the trails.

The commenter states that the State Park and Recreation Commission (SPRC) does not have the authority to change wilderness boundaries. Pursuant to Public Resources Code §§ 5019.50 and 5019.68, the SPRC has the authority to designate wilderness and approval by the SPRC is required to de-designate wilderness.

B0041-37 It is noted that the State Parks Department states that the Proposed Project or other alternatives within ABDSP would require a General Plan amendment and would be considered in light of the Park's mission and purpose. Additionally, the potential for the ABDSP proceeding to take additional time due to the need for a general plan amendment and if de-designation of wilderness is required is noted.

B0041-38 The commenter refers to a statement on page B-9 of the Project Description regarding the width of SDG&E's easement through the ABDSP — the easement through ABDSP

may be less than 100 feet or non-existent in certain locations. The Draft EIR/EIS, for purposes of the impact analysis, assumed a 100-foot easement throughout the entire alignment. This approach resulted in an accurate estimate of impacts because the analysis takes into account surrounding land uses and resources within and surrounding the easement. In addition, the commenter states that the Overhead 500 kV ABDSP Within Existing ROW Alternative would not avoid inconsistency with the General Plan because of the uncertainty with the width of the ROW. Regardless of the route, Section D.16.4.2, State Plans and Policies, states that the presence of the towers and conductors, temporary and permanent roads, motor vehicles and helicopters within wilderness areas would be inconsistent with the ABDSP Final General Plan and EIR. Although the original intent of the Overhead 500 kV ABDSP Within Existing ROW Alternative was to reduce inconsistency with the General Plan, the Draft EIR/EIS acknowledges that the project would be inconsistent with the General Plan in Section D.16.4.2. .

To further address the issue of the width of the ROW and consistency with the ABDSP General Plan, changes have been made to some of the original policy consistency determinations in response to comments made by the California State Parks. Refer to Responses A0001-9 through A0001-11 for these revised policy determinations.

B0041-39 The Conservation Groups' request for clarification of Mitigation Measure F-1d is acknowledged. The temporary impacts in Table D.2-7 include the areas identified by Arcadis (SDG&E's subcontractor), which include laydown/staging areas, pull sites, fly yards, and temporary areas to be cleared for construction of the towers. These would be included in Mitigation Measure F-1d, as clarified, and any impacts to biological resources as a result of this measure have already been evaluated in Section D.2. The text of Mitigation Measure F-1d has been changed as follows:

F-1d Remove hazards from the work area. The Applicant 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 right-of-way (ROW), construction laydown areas, pull sites, access roads, parking pads, and any other sites adjacent to the ROW where personnel are active or where equipment is in use or stored. Cleared dead and decaying vegetation shall either be removed or chipped and spread onsite in piles no higher than six (6) inches.

B0041-40 Please see Response to Comment B0041-39.

B0041-41 The CPUC and BLM sought to develop a measure that was targeted at the significant Wildfire Containment Conflict areas created by the transmission line, and Mitigation Measure F-3a was developed for this purpose. This measure would require fuelbreaks to be created in the project ROW at the location of significant impact to firefighting operations. Notably, the measure gives discretion to the landowning agency to dictate the location of offsite fuelbreak creation where, for example, the location of the transmission line ROW is inappropriate because of slope conditions or the presence of sensitive habitat or species. However, based on a large number of comments from agencies and natural resources protection groups, Mitigation Measure F-3a has been eliminated and replaced with a measure that requires funding support to fire protection agencies as

suggested. Mitigation Measure F-3a, as presented in the Draft EIR/EIS, would not have reduced the significant impact to a less than significant level, and it would have resulted in potentially significant impacts to biological resources. Mitigation Measure F-3a has been replaced with a new Mitigation Measure F-3a, as follows:

F-3a Contribute to Powerline Firefighting Mitigation Fund. The Applicant shall contribute an annual sum to local, State, and federal fire protection districts in the project vicinity through the mechanism of a new Powerline Firefighting Mitigation Fund, which shall be organized and carried out by SDG&E, and shall be subject to the oversight of the CPUC for the life of the Fund. Funding shall be used toward fire prevention measures and protection equipment and services, as appropriate to each jurisdiction. An increase in funding for fire prevention and suppression services and equipment will increase the probability of a fire being successfully contained, especially during normal weather conditions, and will therefore partially mitigate the significant barrier the transmission line poses to firefighting operations. The annual sum shall be based on an equivalent fuelbreak mitigation (presented as Mitigation Measure F-3a in the Draft EIR/EIS), which is an alternative means of partially mitigating the significant effect that the presence of the transmission line on firefighting operations, but which would be jurisdictionally infeasible. This shall be \$1,000 per acre for the first year plus \$250 per acre for each subsequent year for the life of the project (in 2008 United States Dollars), based on the number of miles of Wildfire Containment Conflict listed in Table D.15-26. Should CAL FIRE wish to take over administrative authority for the Powerline Firefighting Mitigation Fund, an administrative transfer shall not be in violation of Mitigation Measure F-3a.

Table D.15-26. Mitigation Measure F-3a Compliance Locations

| <u>Segment Identification</u> | <u>Location of Significant Conflict</u> | <u>Length of Significant Conflict (miles)</u> | <u>Area of Significant Conflict (acres)</u> |
|--|---|---|---|
| <u>Final Environmentally Superior Northern Route Alternative</u> | <u>MP 104-105.5, MP 110-112.5, MP 114-115.5, MP 126-128.5, MP 130.5-131.5, MP 131.5-133</u> | <u>11.5</u> | <u>418</u> |
| <u>Final Environmentally Superior Southern Route Alternative</u> | <u>MRD 10.5-13, MRD 15-16.5, and MP 131.5-133</u> | <u>6.5</u> | <u>236</u> |
| <u>SDG&E's "Enhanced" Northern Route Alternative</u> | <u>MP 85-86.5, MP 90-91, MP 104-105.5, MP 110-112.5, MP 114-115.5, MP 126-128.5, MP 130.5-131.5, and MP 131.5-133</u> | <u>14.5</u> | <u>527</u> |
| <u>LEAPS Transmission-Only Alternative</u> | <u>LEAPS 2-4</u> | <u>2</u> | <u>73</u> |
| <u>LEAPS Generation and Transmission Alternative</u> | <u>LEAPS 2-4</u> | <u>2</u> | <u>73</u> |

The Conservation Groups note that defensible space is not the only means to protect structures at the wildland urban interface during fires. A post-fire assessment study showed that a combination of defensible space and fire-safe building codes protected a large portion of homes during the recent fires (Wildland Fire Lessons Learned Center, 2007).

The text of Mitigation Measure F-1e has been changed throughout the document; see Response to Comment B0006-14.

B0041-42 The commenter states that the Proposed Project would not be consistent with ABDSP Plan’s goal regarding native biota.

CPUC and BLM concur with this comment. The Proposed Project would not be consistent with the goal of protecting the native biota of ABDSP if it is not consistent with guidelines for achieving the goal. See Response to Comment A0001-03 for the revised consistency determination for Biota Goal 1.

B0041-43 The commenter states that would be an increase in invasive biota as a result of project implementation, and would thus be inconsistent with the ABDSP Plan.

Please see Responses B0041-0042 (above) and A0001-03.

B0041-44 The Center for Biological Diversity does not agree with the Policy Consistency Determination for the ABDSP General Plan Biological Processes Goal 1 and Guideline 1a.

In responding to comments from State Parks (See the responses to Comment Set A0001 generally), it was determined that the Proposed Project and alternatives would be inconsistent with a number of goals and guidelines set forth in the ABDSP General Plan. In light of that, the project and alternatives would also be inconsistent with the Biological Processes goal and guideline cited. Therefore, the consistency determinations for this goal and guideline have been amended in Section D.16.4.2 of the Draft EIR/EIS to include the following:

Significant and Sensitive Biota Element, Page 3-24 to 3-26

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| <p>Goal 1: Protect the native biota of ABDSP.</p> | <p>The Proposed Project and alternatives include APMs and mitigation measures to minimize impacts to native vegetation, wetland habitats, and sensitive rare plants. Applicable APMs and mitigation measures include measures specific to personnel training regarding appropriate work practices in sensitive areas, access roads, surveying, applicable laws/regulations, brush clearing, and exotic species introduction (i.e., pets). (See APMs BIO-APM-8, -13, -16, -19, -20, -22, -23, and -25, and Mitigation Measures B-1a, -2a, and -5a. <u>However, there would be impacts to bighorn sheep critical habitat that could not be reduced to a less than significant level. Therefore, the Proposed Project and alternatives would not be consistent with this goal.</u></p> | <p>NOYES</p> |
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B0041-45 The commenter recommends increasing the extent of Class III visual resource management areas elsewhere in proportion to any reduction by the Proposed Project.

If the Proposed Project is approved, then the relevant federal agency will need to address consistency of the project with federal plans and policies as part of its decision-making process. Comments noted regarding the need to address replacement of lost management areas within the plan amendment process associated with the decision on the Proposed Project.

B0041-46 The commenter requests a change to the consistency determination for Policy 2-2 on page D.16-12 (i.e., Section D.16.4.1, U.S. BLM Flat-Tailed Horned Lizard Rangewide Management Strategy 2003 Revision) of the Policy Consistency chapter because impacts to the flat-tailed horned lizard were found to result in a Class I impact. However, Policy 2-2 provides flexibility in implementing the policy. It (partially) states:

New ROWs may be permitted only along boundaries of MAs and only if impacts can be mitigated to avoid long-term effects on FTHLs. Where discretionary, other new authorizations may be permitted if the habitat disturbance does not pose a significant barrier to lizard movement.

Disturbance shall be limited to 10 acres or less per authorization, if possible. If individual disturbances of over 10 acres are necessary, the ICC and MOG shall be contacted to provide suggestions for minimizing potential impacts to FTHL.

The consistency determination for this policy is based on implementation of Mitigation Measure B-7b as well as the involvement of the ICC as allowed in the policy. No change is necessary to the determination.

B0041-47 The commenter states that the Proposed Project should be considered inconsistent with the City of San Diego MSCP Subarea Plan and states that the first part of Policy 1.4.2 (1) does not address why the Los Peñasquitos Canyon or Del Mar Mesa cannot be avoided.

The comment is correct to note that the consistency determination does not make reference to the reasons why the Los Peñasquitos Canyon or Del Mar Mesa area could not be avoided. Because a decision has not been made on the Proposed Project, the consistency analysis did not address this issue. However, Policy 1.4.2(1) provides flexibility in how the policy is implemented and does state that a project can minimize intrusion into the MHPA and still be consistent with policy. No change is necessary to the determination.

B0041-48 Section F.2.2 in Volume 5 of the Draft EIR/EIS addresses growth related to the provision of additional electric power. As stated in Section F.2.2 the Proposed Project is not intended to supply power related to growth for any particular development, either directly or indirectly and would not result in direct growth-inducing impacts. This can be seen because the Proposed Project would include only 500 kV and 230 kV transmission lines which are not appropriate for residential or other development and must be further reduced in voltage before being available for residential use. Only upon reaching the Peñasquitos Substation would a reduction in voltage occur to such an extent as to be applicable for residential or commercial purposes. However, the Proposed Project would facilitate growth indirectly by removing obstacles to population growth through the additional increased capacity of electric power that it would make available.

Section F.2.2 further states that the Proposed Project may encourage the development of renewable projects in the Imperial Valley, Mexico, and eastern San Diego County which would lead to indirect growth in these regions. Indeed, the identification of connected actions (see Section B.6) shows that other projects would be constructed as a result of the construction of the Sunrise Powerlink. The connected actions have been analyzed in the Draft EIR/EIS to provide additional information to the decision-makers

and to include a full analysis of all the resource areas. Please refer to General Response GR-8 for a discussion of GHG.

- B0041-49 The Draft EIR/EIS addresses global warming including the effects of indirect emissions from energy imports (summarized under Impact AQ-4, pages D.11-54 to D.11-55). See General Response GR-8 for additional information on how the Proposed Project and alternatives would be consistent with the California Global Warming Solutions Act of 2006 (AB32) and other state policies related to climate change. The Draft EIR/EIS identifies the potential increase in emissions from coal-fired power plants as an indirect impact of the Sunrise Powerlink Project (Section D.11.13.2, page D.11-51), but as the comment notes, SDG&E is not likely to enter into long-term contracts with coal-fired generators because of the limitations in the CPUC Greenhouse Gas Emissions Performance Standard (under SB1368).
- B0041-50 The indirect emissions from energy imports quantified by CAISO are shown in Section D.11.13.2 (under Impact AQ-3 for criteria pollutants and Impact AQ-4 for GHG). The analysis does not assume that renewable generation must occur in the Imperial Valley. The Draft EIR/EIS (pages D.11-51 to D.11-52) provides a discussion of power plant emission changes for the Proposed Project without Imperial Valley renewables. Renewable generation compliant with RPS could connect anywhere to the CAISO grid. See General Responses GR-5 and GR-8 for more information on how SDG&E cannot guarantee that the line will carry only renewable power.
- B0041-51 See General Response GR-7 on how the environmental effects of the existing Mexican power plants would be influenced by the Proposed Project. Because the Proposed Project is not anticipated to affect the availability of liquefied natural gas (LNG) to the Mexican power plants, no further analysis is necessary. The comment notes that a net decrease in GHG emissions could be achieved by replacing existing fossil fuel-fired generation with renewable power. This is reiterated in General Response GR-8 as part of a discussion of the consistency of the project's GHG effects with state climate change policies and AB32.
- B0041-52 The Draft EIR/EIS does not separately attribute any net GHG emission benefit to connected actions, including the Stirling solar project or Esmeralda-San Felipe geothermal project, in the analysis of Proposed Project GHG impacts. The impact discussion under Impact AQ-3 in D.11.12.2 shows that the geothermal project would not create carbon dioxide or methane emissions to produce power. Geothermal by itself would lead to potential net GHG reductions by offsetting conventional generation, but these reductions are not attributed to the Sunrise Powerlink Project (as described in more detail in General Response GR-8). When taken as a whole, the CAISO data summarized in D.11.13.2 includes new geothermal and solar generation that would occur in the Imperial Valley or elsewhere due to state-wide RPS compliance without attributing the GHG benefits of this renewable generation to Sunrise. The issue of whether sufficient transmission capacity exists to deliver renewable power is a subject for the general proceeding and beyond the scope of the EIR/EIS.
- B0041-53 Leakage of sulfur hexafluoride (SF₆) is considered in the discussion of Impact AQ-4 throughout the Draft EIR/EIS. These potential emissions, while not quantifiable, can be managed and minimized. No revision is needed in the Final EIR/EIS because Miti-

gation Measure AQ-4c (page D.11-54) responds to this impact by forcing SF₆ reductions. Also, Mitigation Measure AQ-4b would require SDG&E to provide carbon credits to offset the GHG emissions due to SF₆ leakage.

- B0041-54 Fires may cause very large quantities of emissions of CO₂ as biomass is burned. The net effect of wildfires on the global carbon balance, however, is likely to be close to zero. Biomass acts as a carbon sink while growing because it absorbs and stores CO₂ during this process. Wildfires then release the stored carbon. The balanced net effect on the carbon cycle of natural sequestration through photosynthesis and release through fires is described in the U.S. EPA *Compilation of Air Pollutant Emission Factors* (AP 42, Fifth Edition, Volume I Chapter 13.1: Wildfires and Prescribed Burning, October 1996). See General Response GR-9 for more information on fire risk over the life of the project.
- B0041-55 The classification of greenhouse gas impacts as significant and unavoidable (Section D.11.13.3, Impact AQ-4) is partially due to the lack of uniformly enforceable GHG reduction programs.
- B0041-56 The economic benefits of rooftop solar or other in-area generation, as part of the Non-Wires Alternatives, compared to the Proposed Project must be considered and weighed against the GHG impacts of the project and alternatives as part of the general proceeding. See General Response GR-12 for more information on the decision-making process.
- B0041-57 The Draft EIR/EIS describes growth-inducing impacts in Section F.2, and increased sprawl in Imperial County is not expected as a result of the Proposed Project or alternatives. General Response GR-8 provides a discussion of the consistency of the project's GHG effects with state climate change policies and AB32.
- B0041-58 Please see Response to Comment B0041-1.
- B0041-59 The commenter also provided the CPUC and BLM with a box of attachments, consisting of technical articles referenced in testimony and in comments. No response to this data set is required.