

Comment Set G0010
SunCal Companies



CORPORATE OFFICE
2392 MORSE AVENUE
IRVINE, CA 92614

MAIN 949 777 4000
FAX 949 777 4060

WWW.SUNCAL.COM

August 22, 2008

Billie Blanchard, CPUC
Lynda Kastoll, BLM
C/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, California 94104-3002

Re: Comments of SCC Acquisitions, LLC to the Recirculated Draft
Environmental Impact Report/Supplemental Draft Environmental Impact
Statement on the San Diego Gas & Electric Company's Sunrise Powerlink
Project issued July 2008; Applications A.05-12-014 and A.06-08-010

Dear Ms. Blanchard and Ms. Kastoll:

On behalf of SCC Acquisitions, LLC (SunCal), we appreciate this opportunity to submit comments on the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement ("Recirculated Draft") prepared jointly by the California Public Utilities Commission ("CPUC") and the U.S. Department of Interior Bureau of Land Management ("BLM") regarding the Sunrise Powerlink Project ("SRPL"). SunCal has previously submitted comments on the SRPL on October 8, 2007 and on April 11, 2007 expressing its opposition to the Southern Alternatives and identifying specific impacts related to those routes that the Draft EIS/EIR has failed to analyze. We incorporate those letters by reference. As discussed herein, such comments have been ignored in the Recirculated Draft and in the Draft EIR/EIS as a whole.

As described in our prior comments, SunCal had requested recirculation of the prior Draft EIS/EIR in order that environmental impacts to its Ketchum Ranch site and the town of Jacumba be addressed. These concerns were ignored in the Recirculated Draft.

Although every other party that presented a request for alternative siting was accommodated in the Recirculated Draft EIS/EIR, the concerns of SunCal and the town of Jacumba were not. As such, although numerous alternatives are considered for every other aspect of the Powerlink, only in the vicinity of Ketchum Ranch and the Jacumba community are there no alternatives considered. The Draft EIS/EIR, as recirculated, does not provide any analysis of the impacts to these properties, deferring all analysis to further documents. This fundamental flaw in the document leads to a second fundamental flaw, namely, the document fails to provide any mitigation to address these impacts or alternatives to avoid them. This piecemeal approach is incompatible with CEQA's requirement to analyze all impacts at the earliest possible opportunity and to devise

G0010-1

Comment Set G0010, cont.
SunCal Companies

alternatives to avoid or mitigate impacts. With all utility corridors leading to and through the Ketchum Ranch, there will be no later opportunity to avoid the many impacts to the project. These impacts should be analyzed now.

G0010-1 cont.

In fact, the Recirculated Draft EIR/EIS, rather than minimizing impacts to Ketchum Ranch and Jacumba, actually increases the extent, number and severity of these impacts. Through the addition of the La Rumerosa wind farm and the Jacumba substation relocation, new impacts are added. Yet again, the impacts of these aspects of the project on the SunCal Property and Jacumba are not analyzed, even though both will be highly visible and are likely audible from the town and the Ketchum Ranch development. For example, the Sempra wind project would occupy an approximately 7,500-acre area beginning at the U.S./Mexico border and continuing south for about 4.6 miles. The location of the substation appears to cause the proposed SRPL alternative to run through Ketchum Ranch to the south of the existing Southwest powerline which is more of a problem to development of the site, yet this issue is also not analyzed.

G0010-2

Similarly, the aesthetic and noise impacts of the proposed Jacumba substation on Ketchum Ranch and Jacumba are not analyzed, although the substation will also be within close proximity to each. The viewpoints provided for the substation, the windfarm and the powerlines are wholly inadequate to provide a proper evaluation of the impact. Stationery viewpoint and moving viewpoints should be included and private viewpoints versus public viewpoints should be distinguished.

G0010-3

Biological, cultural, land use and environmental justice impacts of the La Rumorosa windfarm and the Jacumba substation are also not analyzed, particularly as relates to the SunCal properties and the town of Jacumba. Even construction impacts of these major new components of the project are not analyzed in the Draft EIR/EIS. In fact, none of the impacts of this project on the environment are analyzed, even though the project may have direct impacts on communities and residences.

G0010-4

Moreover, the size of the substation is considerably larger than what appears to be needed for the initial windfarm. As such, the growth inducing impacts of this substation must be analyzed. In addition, given the sizing of the substation, the question arises whether the extent of the windfarm and other generating facilities are accurately and fully disclosed

G0010-5

Finally, the cumulative impact of placing such a significant component of the state's energy generation through a single corridor is not analyzed. Nor is the cumulative impact of locating two large power lines within 200 feet of each other, which does not avoid a simultaneous catastrophe such as seismic, fire, terrorist but merely avoids one toppling onto the other.

G0010-6

As described in these comments, the Draft EIR/EIS fails to analyze the impacts of the SWPL on the Ketchum Ranch project and the community of Jacumba. We urge the Commission to comply with CEQA, to recirculate the Draft EIR/EIS and to analyze and consider the potential impacts of the SWPL on the SunCal Ketchum Ranch project and Jacumba. SunCal seeks to develop a community in a unique area that is otherwise

G0010-7

Comment Set G0010, cont.
SunCal Companies

constrained by topography and natural resources, and which will benefit economically from the SunCal Ketchum Ranch project. The impact of the SWPL project may cause irreparable harm to this project; however, this is unknown due the failure of the Commission to properly undertake the environmental impact analysis required of it by law.

G0010-7 cont.

Accordingly, SunCal strongly urges the Commission to carefully consider SunCal's comments on the Draft EIR/EIS and to require further recirculation in order to address these comments. Failure to do so will render the Final EIR/EIS deficient.

Respectfully submitted,



Amy E. Freilich
Senior Vice President for
Acquisitions and Entitlements
SunCal Companies

Responses to Comment Set G0010 SunCal Companies

G00010-1 The commenter's opposition to the southern route alternatives is acknowledged. The commenter incorporates previous SunCal Companies comments. The Draft EIR/EIS did not ignore the impacts to the proposed Ketchum Ranch residential development; please see Response B0043-2 regarding CEQA analysis of unapproved projects, and Response B0043-4 regarding baseline conditions for an EIR and the implications this has on the proposed Ketchum Ranch. Impacts to the community of Jacumba have been considered in Sections E.2 through E.15 of the Draft EIR/EIS and in Sections 2.2 through 2.15 in the RDEIR/SDEIS. Impacts to the proposed Ketchum Ranch residential development were considered in Section 2.4.2 of the RDEIR/SDEIS, Impact L-2 (Presence of a project component would divide an established community or disrupt land uses at or near the alignment) under future planned uses, for the 69 kV transmission line. Mitigation is recommended that could reduce the impacts of this transmission line.

G00010-2 The La Rumorosa Wind Energy Projects and Jacumba Substation were not added to the Proposed Project in the RDEIR/SDEIS. As stated in Section 1.2.1 of the RDEIR/SDEIS, new information regarding the "connected action" and "indirect effects" of a 250 MW wind project in Mexico, a transmission line, and the "Jacumba Substation" was disclosed in the Sempra Generation Application for Presidential Permit, dated December 2007. As such, Section 2 of the RDEIR/SDEIS presented a new analysis of the Sempra project that includes more accurate information on the project.

Impacts of the Sempra Presidential Permit and Related Facilities to the proposed Ketchum Ranch residential development and to the town of Jacumba were analyzed in Sections 2 of the RDEIR/SDEIS. As stated above, impacts to the proposed Ketchum Ranch residential development were considered in Section 2.4.2, Impact L-2 (Presence of a project component would divide an established community or disrupt land uses at or near the alignment) under future planned uses, for the 69 kV transmission line. Mitigation is provided to reduce the impacts of this transmission line. Impacts to the town of Jacumba were considered in Sections 2.2 through 2.15, for example Section 2.3.1, Visual Resources, analyzes the impacts of the Sempra Presidential Permit and Related Facilities at two key viewpoints in the town of Jacumba, see Impact V-88 and Impact V-91.

The location of the Jacumba Substation would not cause the Interstate 8 Alternative to the Sunrise Powerlink Project to run through the proposed Ketchum Ranch to the south of the existing SWPL. According to SDG&E, in order to interconnect the Sempra wind project to the electric grid in the U.S. requires a new 13.5-mile 69 kV transmission line that SDG&E would build to connect the Jacumba Substation with the existing SDG&E Boulevard Substation. The centerline of the 69 kV transmission line would be approximately 150 feet south of the centerline of the existing SWPL. Impacts of the SDG&E 69 kV transmission line were analyzed in Sections 2.2 through 2.15 of the RDEIR/SDEIS including impacts to the proposed Ketchum Ranch.

G00010-3 In general, Key Viewpoints are limited to publicly accessible areas though these areas are often selected to be *representative* of nearby or adjacent private properties. Regardless, as stated in the RDEIR/SEIS, Section 2.3 Visual Resources (page2-63), the RWEP would have broad visibility in the vicinity of the project area in both the U.S.

and Mexico. While a number of representative viewing locations were identified in the U.S. including the community of Jacumba, Interstate 8, Old Highway 80, Table Mountain ACEC, Anza-Borrego Desert State Park, and Jacumba Wilderness, clearly RWEF would be visible from other publicly accessible areas and private properties as well. However, incorporating additional viewpoints from other nearby public and private viewing areas would not change either the impact characterization or the significance determination. Therefore, the decision to base the visual analysis on the selected representative viewing areas is reasonable and adequate.

The noise impacts of the Jacumba Substation are disclosed in Section 2.8.2 of the RDEIR/SDEIS. Jacumba would not experience adverse noise because the analyzed substation site would be over three miles away, and no Ketchum Ranch receptors would be within 1,000 feet of the site.

- G00010-4 Impacts to biological resources, cultural resources, and land use from the La Rumorosa wind project and Jacumba Substation, including those impacts in the area of the town of Jacumba, were disclosed in the Draft EIR/EIS in Sections D.2 through D.15. Revisions to the impact analysis were presented in the RDEIS/SDEIS in Section 2 based on the new information disclosed in the Sempra Application for Presidential Permit. Environmental Justice issues regarding the La Rumorosa wind project and Jacumba Substation were discussed in Section F.1.2.4 of the Draft EIR/EIS.
- G00010-5 The footprint of the Jacumba Substation was analyzed in Sections 2.2 through 2.15 of the RDEIR/SDEIS. Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a Proposed Project may foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The Council on Environmental Quality (CEQ) NEPA Regulations also requires that an EIS discuss the growth-inducing impacts of a project. (40 C.F.R. § 1508.8(b) [“Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.”].) The Jacumba Substation is not a component of the Proposed Project but rather a connected action to the Proposed Project. As such the EIR/EIS is not required to analyze growth inducing effects of the Jacumba Substation. Section F.2 of the Draft EIR/EIS addresses growth inducing effects of the Proposed Project.
- G00010-6 Section 4.8 (General Concerns Regarding SWPL Alternatives) in Appendix 1, Alternatives Screening Report, addresses the challenges of the SWPL Alternatives including reliability issues. Also please see General Response GR-3 regarding reliability of a southern route in comparison to a northern route, and General Response GR-9 regarding wildfires. The cumulative impacts of the SWPL alternatives are evaluated in Section G of the Draft EIR/EIS.
- G00010-7 As stated above, both the Draft EIR/EIS and the RDEIR/SDEIS analyze impacts of the southern routes alternatives to the Proposed Project and impacts of the connected actions and indirect effects of the Proposed Project on the proposed Ketchum Ranch residential development and on the town of Jacumba. Please see Response B0043-2 regarding CEQA analysis of unapproved projects, and Response B0043-4 regarding baseline conditions for an EIR and the implications this has on the proposed Ketchum Ranch.

Impacts to the community of Jacumba have been considered in Sections E.2 through E.4 of the Draft EIR/EIS and in Sections 2.2 through 2.15 in the RDEIR/SDEIS.

Comment Set G0011 Pacific Crest Trail Association



The Pacific Crest Trail Association (PCTA) would like to provide comments in regards to the suggestion of rerouting the Pacific Crest Trail (PCT) in the Hauser Mountain Wilderness vicinity, mentioned in the Re-circulated DEIR/DEIS in relation to Alternative D. As the Southern California Regional Representative, Suzanne Wilson, mentioned in a phone call with the Aspen Environmental Group, rerouting the Pacific Crest Trail is a viable option *if* it provides a more wild and scenic setting, and is an environmentally sustainable route that can be built and maintained within reasonable costs. If this option remains on the table throughout the process of creating the final EIR/EIS, the PCTA requests that our organization be a key player in the effort to design the reroute, along with the land managers (namely the Cleveland National Forest and the Bureau of Land Management). The reroute would be strongly opposed if it involves putting the Trail alignment on a road (paved or dirt), creating more visual impact, or moving the current route from public to private land. Ultimately the overall manager of the PCT, which is the United States Forest Service, would have to agree that the new alignment does, in fact, provide a superior experience, more congruent with the themes of a National Scenic Trail, and that it is also a more stable trail environmentally. Finally, the USFS would have to approve of the new alignment through a series of signatures. Please continue to work the PCTA on this matter and contact Suzanne Wilson with any further questions.

Sincerely,

Suzanne Wilson
Southern California Regional Representative
Pacific Crest Trail Association
P.O. Box 798
Idyllwild, CA 92954
951-492-9836
swilson@pcta.org

G0011-1

Responses to Comment Set G0011 Pacific Crest Trail Association

G0011-1 The commenter's statement that rerouting the Pacific Crest Trail itself is a viable option if it provides a more wild and scenic setting and is an environmentally sustainable route is acknowledged. It is understood that the U.S. Forest Service is the overall manager of the PCT in this segment. The extent to which the PCT Association would be involved in any trail relocation would be determined by the U.S. Forest Service and the BLM. Please refer to Responses F0003-6 through F0003-8 regarding the status of the PCT crossings associated with the Modified Route D Alternative and reroutes in the Hauser Mountain Wilderness vicinity.

Note in particular that a new mitigation measure (WR-2b, Evaluate and Implement PCT Route Revision) has been added to allow consideration of reducing the number of trail crossings if the Modified Route D Alternative is approved.

Comment Set G0012
Rancho Penasquitos Concerned Citizens



August 25, 2008

Via e-mail (sunrise@aspeneg.com) only

Billie Blanchard, CPUC / Lynda Kastoll, BLM
c/o Aspen Environmental Group
235 Montgomery Street, Ste. 935
San Francisco, CA 94104

Re: A.06-08-010 (RPCC's Draft DEIR Comments)

Dear Ms. Blanchard and Ms. Kastoll:

Rancho Penasquitos Concerned Citizens ("RPCC") hereby comments on the recirculated DEIR. As you know, the RDEIR evaluated a change to the coastal link transmission upgrades suggested by RPCC, namely a newly added re-conductor of the Sycamore – Scripps 69 kV line, as compared to the DEIR document. This change was necessitated solely by SDG&E changing their own plans concerning other upgrades in their system, between Phase I and Phase II in this matter (and after the release of the DEIR), and in keeping with CAISO reliability criteria. RPCC is glad to see that the CPUC still sees the Coastal link transmission upgrades as the environmentally superior option. However, RPCC writes to point out that the RDEIR failed to point out that another re-conductor that was analyzed within the DEIR (Poway – Pomerado 69 kV) was *deleted* in conjunction with the analysis that led to the addition of the Sycamore – Scripps re-conductor. This was an important distinguishing factor that should have been made clear within the RDEIR so that anyone reading the RDEIR concerning the coastal link could understand that the net difference was essentially zero – one 69 kV re-conductor was added and one was deleted, as compared to the original analysis.

So that the history of what happened in regards to SDG&E's unilateral changes between phase I and phase II is clear, the FEIR should point be clearer on what occurred and that there was not necessarily a net addition to the coastal link upgrade alternative. Specifically at page 21 of the RDEIR, the sentence, "This revision to the alternative is an addition to the Coastal Link System Upgrades Alternative that was analyzed in the Draft EIR/EIS and would not substitute for other parts of the alternative" is misleading. While the sentence is technically correct, without a sentence explaining that another re-conductor was removed, the reader is left with the impression that the changes were solely additions to the alternative, not an addition and a subtraction.

G0012-1

Comment Set G0012, cont.
Rancho Penasquitos Concerned Citizens

RPCC spent a considerable amount of time focusing its efforts on providing an alternative within the Coastal link that was not only cost effective and reliable, but was an alternative that impacted our communities and the environment the least. Once again, thank you for your continued analysis and the RDEIR's recognition of the fact that the Coastal link transmission alternative remains the environmentally superior alternative.

G0012-1 cont.

Should you have any questions, please contact me.

Very truly yours,

/s/Harvey M. Payne

Harvey M. Payne

HMP/hmp

Responses to Comment Set G0012

Rancho Penasquitos Concerned Citizens

- G0012-1 The commenters' support for the Coastal Link System Upgrades Alternative is acknowledged. The reconductoring of the Pomerado-Poway 69 kV circuit on existing structures that was analyzed in the Draft EIR/EIS has not been deleted as suggested by the commenter. As stated in Section 3.2.3 of the RDEIR/SDEIS, the revision to the Coastal Link System Upgrades Alternative is an addition to the Coastal Link System Upgrades Alternative that was analyzed in the Draft EIR/EIS and would not substitute for other parts of the alternative. The upgrade requiring reconductoring of the existing Pomerado-Poway 69 kV circuit on existing structures remain a part of the alternative.

Comment Set G0013
Mussey Grade Road Alliance



P.O. Box 683
Ramona, CA 92065
(760) 787 - 0794 T
(760) 788 - 5479 F

Board of Directors:
Diane Conklin, Spokesperson
Carol Levin, Treasurer
Joseph Mitchell, Secretary
Joanne Gamble, Member
Rick Morgal, Member

August 25, 2008

BY EMAIL

Ms. Billie C. Blanchard
California Public Utilities Commission
Ms. Lynda Kastoll, U.S. Bureau of Land Management
EIR/EIS Project Managers
C/o Aspen Environmental Group
sunrise@aspeneq.com

Re: A.06-08-010 Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement

Dear Ms. Blanchard and Ms. Kastoll,

The Mussey Grade Road Alliance submits the attached comments in the above referenced matter. As the deadline for these comments is today, August 25th, these comments are submitted timely.

The Alliance is deeply disappointed in the decision to not include in this recirculated Draft EIR/EIS the issue of changed conditions in the aftermath of the October 2007 fires in the project area, particularly in the areas burned in both the 2003 and 2007 fires that are now subject to biological "type conversion."

There seems to be a misunderstanding regarding the facts concerning the massive changes that may occur in wide swaths of San Diego County should type conversion take place in connection with this proposed power line project. The facts are, simply put, that:

- 1. The severity of environmental impacts has substantially increased due to the October 2007 fires.**
- 2. Power line fires remain the greatest risk to the environment from the proposed project and this risk is increased due to the October 2007 fires.**
- 3. The risk of type conversion from power line fires satisfies CEQA requirements for recirculation based on substantial increase in the severity of an environmental impact, Trigger #2.**

G0013-1

G0013-2

Comment Set G0013, cont.
Mussey Grade Road Alliance

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Therefore, the Alliance rejects the completeness of the RDEIR based on the exclusion of updated biological surveys and other necessary work, including a detailed analysis of potential type conversion as a result of the proposed project. The Alliance objects to the rationalization that the probability of type conversion is small in this case and that any study of this type would be speculative. The Alliance has laid out for the Commission and the BLM the facts regarding the potential of type conversion. This was done *prior* to the October 2007 Firestorm. Now that the re-burning of large portions of San Diego County has occurred, a recirculated Draft EIR is critical to establishing baseline conditions on the ground in light of the possibility of the proposed project being built in re-burned areas subject to type conversion.

G0013-2 cont.

Finally, we outline this challenge to the RDEIR based on our best intention to give the Commission and the Bureau the tools needed to understand the gravity of the problem of type conversion and to measure that problem. The Alliance has never asked the Commission or the Bureau to do something that cannot be done. Furthermore, several of the arguments made in support of the decision not to recirculate lack merit. For example, the statement that:

G0013-3

The DRAFT EIR/EIS acknowledges that type conversion is a potential impact of the project, and it would be significant and unavoidable should it occur. Mitigation Measure B-3a Weed Control Plan, would help reduce the colonization of weeds in the project areas post fire. Further biological surveys to identify potential impacts of type conversion are unwarranted, and recirculation of the Draft EIR/EIS for this reason is not required. p. 1-5, RDEIR

Short of mapping out the parameters of a major type conversion problem, there is no explanation of how a weed control plan restricted to the project area would assist in reducing the damage to an entire biological system covering tens of thousands of acres.

The RDEIR is short-sighted and inadequate in its treatment of the potential destruction of whole pristine areas of San Diego backcountry brought on by future power line fires caused by this line. The Alliance requests that the Commission and the Bureau recognize that that CEQA test has been met regarding substantial increase in severity of an environmental impact and do the work to outline what that would look like and what mitigation would need to be established.

Thank you.

Sincerely,

/s/ Diane Conklin

Diane Conklin
Spokesperson

Comment Set G0013, cont.
Mussey Grade Road Alliance

**Sunrise Powerlink Transmission Line Project
Application No. 06-08-010
MGRA Comment on Recirculated Draft EIR**

***MGRA Comment on the Recirculated Draft
Environmental Impact Report, August 2008***

Introduction

The Mussey Grade Road Alliance provided extensive commentary on the Draft Environmental Impact Report¹ and which was included both in the Alliance testimony and as a timely comment letter to the CPUC and BLM. In those comments the Alliance also requested a recirculation of the Draft EIR/EIS based on the substantial changes to the environment caused by the October 2007 fires that affected the project area and its surroundings.

The current recirculated draft EIR (RDEIR) specifically rejects recirculation based on changed environmental conditions due to the recent catastrophic fires in San Diego County, stating the reasons for non-inclusion in section 1.3 of the document². The Alliance believes that the arguments used are flawed, objects to the manner in which these changed environmental conditions have been conclusory dismissed in the RDEIR and requests a recirculation of the document for the reasons outlined below.

**Severity of Environmental Impacts Has Substantially Increased
Due to the October 2007 Fires**

In Section 1.1 of the RDEIR, the authors define the “triggers” for recirculation as defined under CEQA3:

- (1) A disclosure that a “*new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*”

- (2) A disclosure that a “*substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*”

¹ MG-20; PHASE 2 DIRECT TESTIMONY OF THE MUSSEY GRADE ROAD ALLIANCE; Appendix 2E.

² Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement; San Diego Gas & Electric Company’s Sunrise Powerlink Project (Applications A.05-12-014 and A.06-08-010); *Prepared for:* California Public Utilities Commission and Bureau of Land Management; *Prepared by:* Aspen Environmental Group, San Francisco, California; July 2008. (RDEIR). p. 1-4 – 1.6.

³ RDEIR; p. 1-1

G0013-4

Comment Set G0013, cont.
Mussey Grade Road Alliance

**MGRA Comment on Recirculated Draft EIR
Sunrise Powerlink Transmission Project
Application No. 06-08-010**

(3) A disclosure that a “feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.”

G0013-4 cont.

(4) “The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

Hence, recirculation is warranted if any of these trigger conditions are met. The Alliance maintains that it is the second trigger condition – that of severity – that has and still warrants additional study by Aspen on behalf of the CPUC and BLM, and subsequent recirculation.

The authors have argued that the severity of environmental impact – specifically the phenomenon of “type conversion”, or replacement of native habitat by invasive weeds – has already been designated as a “Class 1” environmental impact: “Type conversion is addressed in Section D.2.5 of Volume 1 and Section G.14 (Impact F-6) of Volume 5 of the Draft EIR/EIS, and is identified as a significant, unavoidable (Class I) impact...”⁴.

They also state the acknowledgement that type conversion is a cumulative phenomenon: “Type conversion is largely a cumulative problem: it depends on the time since the last fire (ignited by any source), on the number of other ignitions from all other sources, and on such things as land use policy changes and road-building.”⁵

G0013-5

The Alliance request for recirculation was specifically issued *because* of the cumulative nature of type conversion risk. **It was observed that a substantial portion of the proposed routes lie within the area burned by both the 2003 and 2007 fires**⁶. These areas are place under particular environmental stress, and even in the absence of the SPL project or any other disturbance may be hard-pressed to recover to their previous biological baselines⁷.

However, the RDEIR asserts that “Although the fires of last fall did temporarily change the environmental setting of the region, especially in terms of biological resources and visual resources, the majority of the burn areas are expected to recover with similar habitat values, and eventually they will look similar to how they did before the fire.”⁸

This statement is only true as insofar as: 1) the area in question did not burn in *both* fires (approximately 100,000 acres of San Diego County burned in 2003 re-burned in

⁴ RDEIR, p. 1-4.

⁵ Ibid.

⁶ MG-20; Appendix 2E; p. 8.

⁷ C-19; PHASE II DIRECT TESTIMONY OF RICHARD HALSEY ON BEHALF OF THE CENTER FOR BIOLOGICAL DIVERSITY AND THE SIERRA CLUB; p. 8.

⁸ RDEIR, p. 1-4.

Comment Set G0013, cont.
Mussey Grade Road Alliance

**MGRA Comment on Recirculated Draft EIR
Sunrise Powerlink Transmission Project
Application No. 06-08-010**

2007), and 2) the area in question is subject to no further disturbances during its recovery period. As shown in Figure 2E-1 of Appendix 2E of the MGRA Phase 2 testimony⁹, substantial segments of northern proposed routes and the southern alternative pass through areas that have been burned in both fires. Furthermore, the impacts due to “road building” mentioned in the RDEIR, and other disturbances, will be substantially increased by activities associated with Sunrise Powerlink construction and maintenance. These are now highly sensitized areas, and the construction of maintenance roads and the power line itself can be expected to have dramatically greater impacts than if the project were being constructed in a robust ecosystem. It is precisely the magnitude and type of this impact that needs to be addressed by the final EIR.

G0013-5 cont.

As far as the requirement for recirculation, the authors argue that the impact from potential type conversion has already been designated as a “Class I” impact with significant and unavoidable consequences. This is already the most severe classification. **However, there is still a difference in severity between potential Class I impacts (which would have still existed prior to the October 2007 fires, and which are addressed in the Draft EIR), and Class I impacts that have been actualized and now will definitely effect construction along the proposed routes (which have *not* been included in the Draft EIR).** The *likelihood* of permanent damage to the environment neighboring the SPL route due to line construction has increased substantially as a result of the fires – and therefore the severity of the impact has also increased. This falls under the “type 2” trigger for recirculation of the EIR.

G0013-6

Another increase in the severity of the potential impact is due to a substantive increase in the *size* of the area affected. This is addressed in the next section.

Power line fires remain the greatest risk to the environment from the proposed project and this risk has increased due to the October 2007 fires

G0013-7

The authors of the RDEIR argue that since the probability of power line fire is small, that the risk can be discounted: “*Since power line fires generally make up only 1% of ignitions, and high-voltage lines make up about 3% of these, and because few of these fires are large, it would be unduly burdensome to carry out a detailed analysis of potential type conversion as a result of the project, because the probability of it occurring is small, and depends on a number of complex, cumulative factors.*”¹⁰

⁹ MG-20; Appendix 2E; p. 8.

¹⁰ RDEIR, p. 1-4.

Comment Set G0013, cont.
Mussey Grade Road Alliance

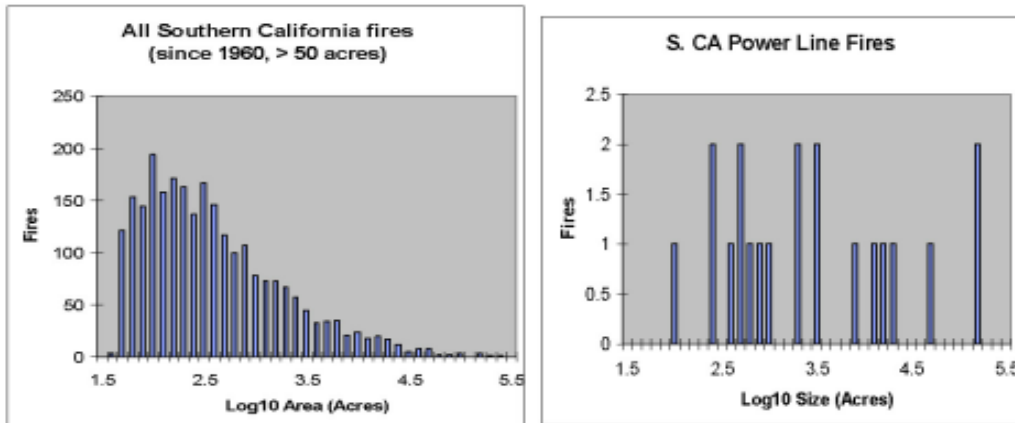
**MGRA Comment on Recirculated Draft EIR
Sunrise Powerlink Transmission Project
Application No. 06-08-010**

As pointed out repeatedly in the Alliance testimony and briefs, the probability that is most relevant to the discussion of environmental and economic risk from this project is how many fires *this project* would be expected to cause¹¹. The whole point of the MGRA testimony is to put this potential for a catastrophic fire event caused by this power line should it be built in a proper quantitative context.

G0013-7 cont.

Restating our arguments: this is a very long line that goes through flammable vegetation for a considerable portion of its length, and which will be in place for a very long period of time. Additionally, **power line fires are *not* like other fires. Because they tend to start under high wind conditions, they statistically tend to be much larger than other fires.** While the size distribution of all wildland fires tends to drop off rapidly (as a power-law) with increasing fire size, the size of power line fires tends to be “logarithmically flat” – the probability of having a fire between 100 and 200 acres appears to be the same as having one between 100,000 and 200,000 acres¹². Now that the combined fire datasets for 2007 have been released by Cal Fire, we can show that **the data from 2007 continues to support this assertion, as shown in the graphs below:**

G0013-8



It is virtually impossible that the power line fires shown in the second graph arise from the same causal effects responsible for the shape of the first graph. It should be pointed out that fire professionals gauge their expectation for fire size probabilities on their historical observations – and these will be represented by graph on the left. This is one reason that some fire professionals, such as SDG&E’s fire expert, tend to downplay the power line wildland fire threat. Hence the comment that “few of these fires are large”

¹¹ Mussey Grade Road Alliance; MUSSEY GRADE ROAD ALLIANCE REPLY BRIEF TO PHASE 2 OPENING BRIEF OF SAN DIEGO GAS & ELECTRIC COMPANY; A.06-08-010; June, 2007, p. 4.

¹² MG-1; Phase 1 Direct Testimony of the Mussey Grade Road Alliance; p. 38.

Comment Set G0013, cont.
Mussey Grade Road Alliance

**MGRA Comment on Recirculated Draft EIR
Sunrise Powerlink Transmission Project
Application No. 06-08-010**

(footnote or explanation of this quoted material?) should be restated – **few fires are large, but power line fires are *much* more likely to be large than other types of fires.**

G0013-8 cont.

The RDEIR comment that high voltage lines cause 3% of power line fires is deceptive, and should be removed in the final version or properly restated. This fraction is primarily the result of the fact that there are many more miles of distribution lines than transmission lines in San Diego County. Stated as it is in the RDEIR, it implies that transmission lines are 33X safer than distribution lines, an implication that would be grossly incorrect. If we normalize for the number of fires per unit time per mile, as the Alliance did in its Phase 1 and Phase 2 testimony, we find that the fire start rate is only 3 times larger for distribution lines than transmission lines¹³.

G0013-9

Because the Alliance performed these rate calculations, it allows an estimation of the total risk that fires could be started by the proposed line. Depending on assumptions made about the typicality of SDG&E's data set, the route chosen, safety of 500 kV lines and system expansion, **the MGRA estimated that between 1 and 10 ignitions could reasonably be expected for the line during its 40 year lifetime¹⁴. The risk of catastrophic fire was estimated to be between 2% and 10% over the lifetime of the line, a result fully consistent with those from SDG&E fire history data including the October 2007 fires¹⁵.**

Type conversion can occur when fires burn the same area too frequently. Hence there are two ways in which a catastrophic fire started by SPL can cause significant environmental damage: 1) the fire burns over scars of fires that occurred less than 15 years before, or 2) fires that occur up to 15 years after the SPL fire overlap the SPL fire scar. The October 2007 fires demonstrate how serious the problem of overlapping fire scars could be – 100,000 acres of land that burned in the October 2007 fires had previously burned in the October 2003 fires¹⁶. Between the October 2007 fire scars and the October 2003 fire scars, extensive areas of San Diego County have been left sensitized to future disturbances. Hence **the impact of a potential fire started by SPL is greatly increased by the presence of these burn areas in the vicinity of the line.**

G0013-10

In order for a catastrophic fire started by the SPL to cause significant and irreversible environmental damage, it must overlap scars left by the October 2003 or October 2007 fires, or any future fire scars within the lifetime of the line. This damage must also occur before the fire scar has time to recover – at least a period of 15-20 years¹⁷. Hence, not all potential fires, nor all of the areas subtended by these potential fires, are necessarily going to cause permanent environmental damage. However, the

¹³ MG-20; Phase 2 Testimony of the Mussey Grade Road Alliance; App. 2D; p. 10.

¹⁴ Ibid; p. 14.

¹⁵ MGRA Phase 2 Opening Brief; pp. 59-60.

¹⁶ MG-20; Phase 2 Testimony of the Mussey Grade Road Alliance; App. 2A; pp. 14-17.

¹⁷ C-19; PHASE II DIRECT TESTIMONY OF RICHARD HALSEY ON BEHALF OF THE CENTER FOR BIOLOGICAL DIVERSITY AND THE SIERRA CLUB; p. 8

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probability, especially in the aftermath of the recent firestorms, is significant, and the October 2007 fires increased this substantially.

G0013-10 cont.

The RDEIR argues that the probability of such damage is too small to be taken seriously. We have dismissed some of these probability arguments, showing that **the 3% value for transmission lines does not take into account the length of line strung, and showing that the probability of catastrophic fire is much larger for power line fires than for fires started by other means.** While overall probabilities may not be large, they are not negligible, and **should not be dismissed** as the RDEIR purports to do. As to the impacts, they can be extremely significant. Taking the example of the Witch Fire – a power line fire started by a 69 kV transmission line – 55,000 acres were burned that had burned in the October 2003 fires¹⁸, and which are now subject to type conversion. **No other environmental impact of the SPL has the potential for extensive harm outside of the immediate area of the line itself.**

G0013-11

By adding 55,000 acres of critically impacted (doubly burned) land and an additional 108,000 acres of sensitized land (burned in 2007 only)¹⁹ to the immediate vicinity of both the preferred and Environmentally Superior Southern Route, **the Witch Fire substantially increased the probability that fires caused by the power line or any activities associated with it will cause permanent environmental damage.**

The Alliance has suggested that one mitigation option that would reduce risk would be to avoid routes going through these areas: *“If a line is approved, transmission routes should be avoided which pass through the fire-scars of the 2003 and 2007 firestorms, including the Witch Fire, Harris Fire, Mine/Otay Fire, and Cedar Fire footprints.”*²⁰

G0013-12

The risk of type conversion from power line fires satisfies CEQA requirements for recirculation based on the substantial increase in the severity of an environmental impact, Trigger #2

G0013-13

Because circumstances have arisen which have increased the severity of environmental impacts unless mitigation measures are undertaken and due to the fact that no mitigation measures have been taken that reduce the impact to a level of insignificance, the second trigger condition for CEQA has been met, thus warranting recirculation.

¹⁸ MG-20, Phase 2 Testimony of the Mussey Grade Road Alliance; App. 2A; p. 10.

¹⁹ Ibid. and Ibid. p. 8.

²⁰ MGRA Phase 2 Opening Brief; p. 2.

Responses to Comment Set G0013 Mussey Grade Road Alliance

G0013-1 The CPUC and BLM do not believe that the October 2007 fires changed the environmental baseline of analysis, as stated in Section 1.3 of the RDEIR/SDEIS. San Diego County is one of the most fire-prone regions in the world with its exposure to Santa Ana winds, its extensive shrubland ecosystems, and its rugged terrain. The fact that 87,000 acres burned twice in four years is not unprecedented in this region, does not change the environmental baseline of analysis, and does not trigger recirculation. Impacts of the Proposed Project and alternatives were evaluated based on an environmental baseline defined in each part of Sections D and E of the EIR/EIS. The October 2007 fires did not result in these impacts being more severe than those disclosed in the Draft EIR/EIS and the RDEIR/SDEIS. Sections D.15.1.2 and D.15.2.5 of the Draft EIR/EIS have been revised to include information about the October 2007 fires. Section D.15.1.2 summarizes the fires and their causes in the context of California wildfire history, and the Section d.15.2.5 updates the environmental setting of the affected firesheds.

G0013-2 MGRA claims that the increased risk of type conversion by the project as a result of the October 2007 fires triggers recirculation, and contends that the RDEIR/SDEIS is incorrect in stating that the probability of the project contributing to type conversion is small and that the outcome of conducting new biological surveys to determine the potential effects of the project on type conversion would be speculative at best.

While the CPUC and BLM consider the probability of the project contributing to type conversion to be small, this risk is conservatively presented to be a significant and unmitigable impact (Class I) because it is a difficult impact to define.

The rate of 230 kV line fires in SDG&E's system is approximately 0.2 per 100 miles per year and the rate of 500 kV line fires is 0 per 100 miles per year (based on four years of data; see General Response GR-9). The Environmentally Superior Northern Route would increase the length of the overhead 230 kV system by approximately 28 miles and the 500 kV system by approximately 60 miles. The Environmentally Superior Southern Route would increase the length of the overhead 230 kV system by approximately 22 miles and the 500 kV system by approximately 93 miles. If the four-year ignition rates expressed above are representative of long-term rates, then both the northern route and the southern route would be expected to cause 2 ignitions in 40 years. Even if 2 ignitions occur during the project's lifetime, the probability that any one of these fires would occur during Santa Ana wind conditions and become very large is about 3 percent (there are an average of 12 Red Flag Warning days per year in San Diego County according to the National Weather Service), and the probability that the area newly burned had been burned in a recent fire is smaller still. Although MGRA presents evidence that power line fires tend to occur during windy conditions and tend to be much larger than fires caused by other sources, this is true primarily for distribution-level and low-voltage transmission lines that are susceptible to mid-line slap and wind-blown debris because of their construction specifications (see Section D.15.1.1 of the EIR/EIS). It should be noted that of the three 230 kV fires that occurred in SDG&E's system in the past four years, none occurred during a Santa Ana event and none exceeded five acres.

Type conversion of native chaparral ecosystems as a result of increasingly frequent fires is an ongoing process that began prior to Euro-American settlement in southern California.¹ Type conversion as a result of frequent wildfires in contemporary times is influenced by extensive development in the Wildland-Urban Interface and its associated increase in ignition sources, and native ecosystems are made more vulnerable by complex interacting factors, including natural and human-influenced climatic variation and change, and natural and human-influenced prevalence of insects and disease. Any study of the risk of biological type conversion from the project in the aftermath of the October 2007 fires would be speculative. However, a new required mitigation measure has been added to address the project's potential contribution to the ongoing and cumulative problem of vegetation type conversion in southern California. Please see Response to Comment G0013-3 for details.

G0013-3 The RDEIR/SDEIS analyzes and presents fire risk using advanced fire computer modeling. The Final EIR/EIS refines the many comprehensive mitigation measures presented to reduce fire risk to the extent feasible.

Type conversion occurs when multiple disturbances allow the colonization of non-native plant species into a landscape previously dominated by native vegetation. When multiple disturbances, such as wildfires, occur at an intensity and frequency outside of the natural range of variability of a native ecosystem, these conditions tend to suppress regrowth of native vegetation and favor long-term dominance of non-native, early-successional plants. Because chaparral is typically dominated by non-sprouting obligate seeding species and requires a minimum time to develop an adequate seed bank for regeneration, this sensitive vegetation type is vulnerable to fires at intervals of less than 10 years.²

MGRA questions how a weed control plan (Mitigation Measure B-3a) restricted to the project area would assist in reducing the damage to an entire biological system covering tens of thousands of acres. The weed control plan outlined in Mitigation Measure B-3a will help ensure that non-native species are not introduced into the project area as a result of transmission line construction, and most importantly into the area disturbed by both the Cedar and Witch Fires, via personnel and equipment. CPUC and BLM are not responsible for eliminating the widespread problem of type conversion across southern California, only with mitigating — to the extent feasible — the significant impacts that occur as a result of the Proposed Project and alternatives. Mitigation Measure B-3a (Weed Control Plan) will reduce the project's contribution to type conversion.

With regard to project-caused fires that occur in recently disturbed areas, such as the areas burned by the Witch, Harris, and Cedar Fires, these areas are vulnerable to type conversion if they are burned more than once within a 10-year period as discussed above. The project would contribute to the problem of type conversion if a project-caused fire burns an area that had been burned at least once in the preceding 10 years or an area that burns at least once in the subsequent 10 years. Because of the project's

¹ Keeley, Jon. 2002. Native American impacts on fire regimes of the California coastal ranges. *Journal of Biogeography* 29(3): 303-320.

² Keeley, Jon. 2004. Invasive plants and fire management in California Mediterranean-climate ecosystems. *Proceedings 10th MEDECOS Conference*. Rhodes et al. (eds). Rotterdam.

potential contribution to type conversion as a result of a project-caused fire, Mitigation Measure B-1k has been added to the Biological Resource Sections of the EIR/EIS (Sections D.2, E.1.2, E.2.2, E.3.2, E.4.2, E.5.2, E.6.2, and E.7.2) to partially mitigate Impact B-1 (Construction activities would result in temporary and permanent losses of native vegetation) as follows:

B-1k Re-seed disturbed areas after a transmission line caused fire. Should a fire occur and be determined by the CPUC's Consumer Protection and Safety Division (CPSD) or the California Department of Forestry and Fire Protection (CAL FIRE) to be caused by the Proposed Project or a constructed alternative, the Applicant shall re-seed all natural areas—both public and private—that are burned as a result of the project-caused fire. Re-seeding shall be required for areas that have been burned due to the minimum 10-year period required for arid chaparral to establish an adequate seed bank and thereby resist vegetation type conversion. A re-seeding plan shall be developed with input from Cal Fire, the U.S. Forest Service, BLM, and CPUC, based on a native seed mix. Seeds shall be raked into the soil to avoid seed predation, and re-seeding shall be carried out once to coincide with the rainy season (October 1 through April 1) to increase the likelihood of germination success. The Applicant shall provide a written report documenting all re-seeding activities to the CPUC. The Applicant shall make a good faith effort to obtain approval to re-seed on private lands as appropriate, and documentation of this good faith effort shall be submitted to the CPUC upon request. Specific re-seeding requirements stipulated in this mitigation measure shall be subject to approval and modification by any public landowning agency.

Impact B-1 would remain significant (Class I). Please refer to the discussion in Section D.2.5 of the EIR/EIS. In addition, please see Response to Comment H0036-14 regarding the project's cumulative contribution to vegetation type conversion via its interference with wildfire suppression activities.

- G0013-4 Please see Response to Comment G0013-1.
- G0013-5 With regard to MGRA's concern that the October 2007 fires have substantially changed the environmental baseline of analysis, please see Response to Comment G0013-1. With regard to MGRA's concern that roadbuilding associated with the project will have more severe impacts on the environment as a result of the October 2007 fires, please see the discussion of Mitigation Measure B-3a in Response to Comment G0013-3.
- G0013-6 Please see Responses to Comments G0013-1 and G0013-2.
- G0013-7 Please see Response to Comment G0013-2.
- G0013-8 Please see Response to Comment G0013-2.
- G0013-9 MGRA requests that the comment that high voltage lines cause 3 percent of power line fires made in the RDEIR/SDEIS be restated because it implies that transmission lines are 33 times safer than distribution lines in terms of fire risk, which is incorrect. The text of the Section 1.3 of the RDEIR/SDEIS has been modified as follows:

...Type conversion is largely a cumulative problem: it depends on the time since the last fire (ignited by any source), on the number of other ignitions from all other sources, and on such things as land use policy changes and road-building. ~~Since power line fires generally make up only 1% of ignitions, and high voltage lines make up about 3% of these, and because few of these fires are large~~ Because the wildfire ignition rate of high-voltage transmission lines is small, because Santa Ana wind conditions occur only on a few days per year, and because the likelihood of any given fire potentially caused by the project to occur in a recently burned area is also small, it would be unduly burdensome to carry out a detailed analysis of potential type conversion as a result of the project, because the probability of it occurring is small, and depends on a number of complex, cumulative factors. Furthermore, the impacts of type conversion are poorly defined, and any study of this type would be speculative...

In addition, please also see Response to Comment G0013-2.

- G0013-10 Please see Response to Comment G0013-3.
- G0013-11 Please see Responses G0013-1 through G0013-3 and G0013-9.
- G0013-12 MGRA suggests a mitigation option to reduce the risk of type conversion as a result of a project-caused fire: avoiding transmission routes that pass through the 2003 and 2007 fire scars. These two wildfire events cover a substantial portion of non-urbanized San Diego County. In order to avoid potentially increased impacts of a mitigation reroute in other issue areas and to address the problem of type conversion on a long-term basis, the CPUC and BLM have chosen to add Mitigation Measure B-1k (Re-seed disturbed areas after a transmission-line caused fire). Please see Response to Comment G0013-3.
- G0013-13 Please see Response to Comment G0013-1.

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