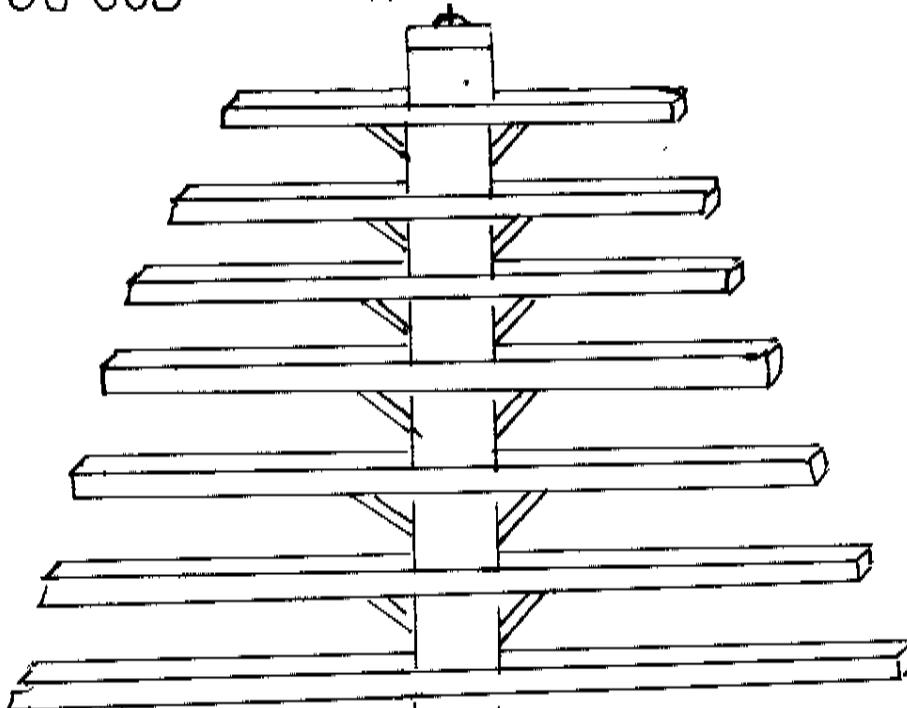


C.U.P.C.

* SDGE EAST COUNTY
SUBSTATION/BUILDOUT *
A-09-08-003

NO



THE RESIDENTS OF THIS
COMMUNITY OWN THIS
LAND, NOT SDGE.

GARY C. HOYT
2052 FLYING CLOUD
BOULEVARD 91905

Prior member of:
BOULEVARD SPONSOR/PLANNING GRP.
BOULEVARD FIRE AND RESCUE

THERE ARE OTHER ALTERNATIVE
THIS IS NOT 1950!

AN ADDITIONAL 100 POLES ARE
NOT NEEDED IN BOULEVARD!

LARGER SUB-STATION IS
NOT NEEDED!



**CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC)/
BUREAU OF LAND MANAGEMENT (BLM)**



**Joint Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
for East County Substation, Tule Wind, and
Energia Sierra Juarez Gen-tie Projects**

Written Comment Form
(please print)
Wednesday, January 27, 2010

Name*:

[Redacted]

Affiliation (if any):*

Address*:

City, State, Zip Code*:

Telephone Number*:

Email*:

[Redacted]

Visual - all projects should utilize materials that will be the least visually intrusive (i.e. non-reflective materials) or paint/maintain facilities to ~~meet~~ match the natural environment.

Fire - all projects should mitigate the increase fire threat to the local community through a free brush clearing program around the community & rural homes.

Recreation - all existing & new roads should be left open to the public for OHV recreation and access

Fire - projects should fund local fire dept to mitigate increased fire risk.

~~Power~~ why not build the powerlines in Mexico?

The projects should mitigate visual impacts by providing funding to the local community for private solar/wind installations on private homes.

* Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments can also be faxed or emailed.

(See reverse for additional information)



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Wednesday, January 27, 2010

I find it very disturbing that you are willing to be paid off by a big co. with millions & millions of \$, and have no concern about all the animals in this area, the fire danger and destroying my property value, my house is paid for in full, is yours, I ^{was} going to sell it and retire, but if I have wind turbines to the west, maybe a mile away, and wind turbines to the east, property value is down, who would want to buy with ugly wind turbines all over,

It's also interesting that you have no concern ^{for} of the project water source. This has been kept quiet, ~~where~~ ^{are} you going to let them just put several wells in? with no permits or concern for our ground water.

Many of us on the North side of Hwy 8, close to the proposed wind turbine site, are educated, working people, lawyers, C.F.O., & attorneys, sheriffs, highway patrol,

and are amazed that you have these P.U.C. (2)
meeting for us to attend. You listen to us
But we know you are being bought out and
you will do what you want. You have ~~not~~ NO
regard for what is going to happen in OUR
Backyard, we have a big concern for
animals, fire danger, roads that will destroy
plants & animals, blasting that will damage
our water & aqua filter.

Do not think that the people on Ribbonwood
are stupid and don't know what's going on.

I have been approached with the fact,
that, 20' from my dirt driveway, 100 Trucks will
go by with turbine motors. Will this upset my
horses, lets hope my dogs don't get out, and
lets hope they don't block my drive way
entrance.

The P.U.C. should support solar, maybe the
Mexicans should go more solar. Why not put the
power lines in Mexico, or put the power lines
on the border, about 6 ft off the ground, &
then we won't have to have the Chinese
build a wall to keep the illegals out. As a
Tax payer, of your salary, you should do what's good
for the land & property owners and not some company from
a foreign land with lots of \$\$\$.

Written Comment Form

3

Mailing addresses:

- Iain Fisher, California Public Utilities Commission, c/o Dudek, 605 Third Street, Encinitas, CA 92024.
- BLM California Desert District Office, Attention: Greg Thomsen, 22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553-9046

Fax:

- CPUC at (800) 371-8854
- BLM at (951) 697-5299

Email:

- CPUC at ecosub@dudek.com
- BLM at: catulewind@blm.gov

Public Scoping Ends:

CPUC Notice of Preparation: February 10, 2010
BLM Notice of Intent: February 12, 2010

Comments will be accepted until February 15, 2010

IF every one of you want to let the Beautiful back country be destroyed, like the Indians now ^{do} then ^{don't} expect ~~us~~ ^{us} to have faith in the keepers of our open spaces. You don't live here, so don't decide what someone else can ~~come~~ ^{do} here and destroy because, they want to make millions more \$\$\$\$. Rumor has it, that an Indian ^{old} camp site, has disappeared & been covered up, so Wind Turbin^e

(4)

can go near there. That's how crooked
some people are. History has been
destroyed, instead of saving it for
future generations, other structures
have been torn down, also. B.L.M. has deliberately
let McCain Valley be destroyed, so wind turbines & power lines
can be installed !!!

Linda
2587 Ribbonwood rd.
Boulevard,

From: derik martin [mailto:milpas@prodigy.net]
Sent: Wednesday, January 27, 2010 3:47 PM
To: ECOSUB
Subject: Scoping Comments

I am a land owner in the area N.E. of Jacumba, the where you propose to put the ECO substation, and near the SW Power link.

I find it hard to believe the arrogance of the CPU and the those involved in all of the "power development" It's a classic example of big business and local and state government taking advantage of the environment and those who choose to live in a rural areas of San Diego County.

For the money you are spending on your S.W. Power Link, you could supply each home in San Diego county with solar panels and not need such a power corridor which ruins the beauty of the back country and disrupts thousands of acres of animal and plant life. The most invasive thing you can do short of putting in large wind turbines!! wait your doing that too... all in one area?? Talk about total disregard for nature and those of us who choose to make this remote area our home. This has nothing to do with supplying San Diego with energy it's all about Money Money Money. Without heavy government subsidies none of this would happen. Look at the wind machines near Golden Acorn, they seldom run and can't withstand 70mph winds. My guess is that they cost about 10.00 per Kilowatt.

There is a large herd of peninsular big horn sheep that live in the Sierra Juarez area, they travel from Mexico into the US on those very same hills you plan to build your wind machines, there is another herd or two near McCain Valley another area you plan to decimate with wind machines. Good bye wild life Hello profits for Sempre and hand outs for the CPU !!!

You will not hear a media reaction, or the truth from any power company or regulator, they will simply state this is for "Green Alternative Energy" At what cost?? Literally billions of dollars, and thousands of acres decimated and destroyed for your "green energy"

If you were up front about this project and told the people what you were doing not a person east of Highway 805 would be for this potluck of corruption and waste. Why not post the photos that are on Sempre's web site and show the people what your vision of the back country is?

Derik Martin

1371 Pine Dr.
El Cajon, CA 92020



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Energia Sierra Juarez Gen-tie Projects**

**Written Comment Form
(please print)
Wednesday, January 27, 2010**

Name*: Desi Vela
 Affiliation (if any)*: Twitter, @desi Vela
 Address*: P.O. Box 1648
 City, State, Zip Code*: Redwood City, CA 94065
 Telephone Number*: 619 766 9158
 Email*: desi@learningrock.net

This comment is being written for support of the Tule Wind project. This project will provide much needed green energy a better alternative to coal fire and petroleum energy generation. This project will provide jobs here in the east county of which is needed for locals here.

** Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments can also be faxed or emailed.

(See reverse for additional information)



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BUREAU OF LAND MANAGEMENT (BLM)**



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for East County Substation, Tule Wind, and
Energia Sierra Juarez Gen-tie Projects**

Written Comment Form
(please print)
Thursday, January 28, 2010

Name*: RICHARD CAPUTO
 Affiliation (if any)*: AMERICAN SOLAR ENERGY SOCIETY
 Address*: PO BOX 1660
 City, State, Zip Code*: JULIAN, CA 92036
 Telephone Number*: 760-765-3157
 Email*: RICHARD.CAPUTO@SBCOLO.SOL.NET

SEE ATTACHMENT

** Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments can also be faxed or emailed.

(See reverse for additional information)

Tule Wind Farm in South East San Diego County

I have heard many objections raised about a wind farm in the mountains in eastern San Diego County. Typical comments are that the noise from a wind farm would be intrusive, property values would fall, large numbers of birds and bats would be killed, it would start forest fires, it would spoil our beautiful vista, etc., etc. What are the facts today?

What about the noise? We are not talking about 1980s technology. That was noisy. We are talking about 2008+ technologies that is not noisy. Well, how noisy is not noisy? You can stand at the base of the tower and have a normal conversation without raising your voice. At 750 to 1000 feet, a wind farm generates a noise that is about the same as you sitting in your kitchen with your refrigerator is running. That is a range of about 35 to 45 dB --- 35dB is a quiet bedroom, a library is about 40dB while 45dB is a really quiet office. When I visited the Campo wind farm, I could not hear the swish of the blades at about 1000 feet. So, the edge of the wind farm should be at least 0.5 miles away from residences to have no noise intrusion.

What about property values plummeting? A very comprehensive study of 25,000 residences showed there was an impact of wind farms on adjacent property values --- they increased property values. Ten wind farm projects in the US in seven states were identified. For each community adjacent to a wind farm, one was found without a wind farm that was comparable. Selling prices for homes were studied in each set of communities for 3 years before and 3 years after the wind farm was built. All this data was analyzed and gave the results of increased property values in the wind farm adjacent communities. So, if you are worried about property values, make sure you build a wind farm nearby.

What about the large number of birds and bats that would be killed? Well, wind generators do kill birds. Each one kills about 1 to 2 birds per year on average. That is a problem but residences kill 1 to 10 birds a year. The road that your car drives on kills 15 to 20 birds per mile. Your house cat kills 1 to 2 birds per year. All told, human activities (and house cats) kill from 260 to 1380 million birds a year. Even if 30% of all our electricity in the USA was generated by wind farms, they would kill about 0.6 million birds. So where does this leave us? One could conclude that bird kill from wind farms are insignificant in the general scheme of human activities. Yet, the California Energy Commission's (CEC) policy is "no activity should kill birds without mitigation simply because other human activities also kill birds." A wise policy. Now that a number of wind farms have been built in California and we have a better understanding of what factors contribute to higher bird kills, wind farms can be designed to reduce the impact on birds. The CEC demands that each new wind farm be designed to mitigate bird impact based on this new understanding. We wouldn't know the likely impacts of this proposed wind farm until a bunch of data was collected and analyzed. This would only occur at the completion of the draft Environmental Impact Statement.

Older wind generators did start fires and some of them did cause ground level grass fires. As with noise, the fire issue has changed in the current generation of wind machines.

Each machine now costs 1 to 3 million dollars and needs to operate for about 15 years or so to pay back the investment. So there is a strong interest on the part of the wind farm owner to not have the machine burn up. So much for intent. What about the specifics. These machines are high above ground on a steel tower placed in the middle of a 50 by 70 foot gravel pad with a lack of vegetation around base of tower. The high voltage wires from the machines are underground, lightning protection devices on each tower, and temperatures inside the generators are monitored. Shut down is automatic when above normal temperatures are sensed. The data seems to show that lightning damage to newer machines is rare. However, I have unable to find comprehensive data on ground fires caused by these newer machines one way or the other but it does not seem to be a problem.

Finally, you certainly can see a modern wind generator. They are large with the tower being about 200' tall and each of three blades being about 125' long. The question is when you see them, what is your reaction? That depends on the eye of the beholder. It can range from a stick in the eye reaction if it spoils the view you are used to. Or you can see elegant and beautiful kinetic sculptures that are symbols of a less polluting future. Some say that we will lose our vista and it would be a tragedy for San Diego County. When you look at the map of San Diego County, you will see an enormous amount of land are dedicated to county parks and preserves, state parks and preserves and national forests and recreation areas. San Diego County is truly blessed with more than ample outdoor space to enjoy in many ways. To take these few acres that are a combination of private, Native American and BLM land for the laudable purpose of generating clean energy, is not depriving San Diegans of natural vistas. We have many, many natural vistas and are trading the view of this particular small piece of land for a commitment to a cleaner tomorrow. We need to keep things in perspective.

Some people say why don't we put all our eggs into one basket and only use rooftop PV as our renewable energy source. Urban-sited PV has a lot of advantages as one of a portfolio of renewable energy options. But it is expensive and is about three times more expensive than wind energy. As with wind, PV does not do a very good job at displacing peak power. So both depend on other renewable energy sources such as baseload geothermal, baseload biomass electric plants and desert solar thermal plants with cheap thermal storage to make the electric grid system work. Without these other renewable energy options, you would depend too heavily on fossil fuels and expensive storage.

All of the above is an attempt to address the negative allegation made against a wind farm. Most of the allegations seem to have little support.

There is a very strong case that you can make for wind farms as a form of renewable energy. This is usually acknowledged by most and then we jump right to the BUT.... What are the elements of a strong case for? The major elements are that for every Kwhr of wind electricity that substitutes for how we now generate electricity, we eliminate air and water pollutants, eliminate green house gases, lower the cost of electricity, don't deplete fossil fuels, and avoids a host of other conventional energy problems and generate jobs both locally and elsewhere in the U.S.

What air pollutants do we eliminate? There would be no sulfur dioxide or nitrogen oxides which make acid rain, or any smog formation from nitrogen oxides, or particulate matter to clog our lungs, or heavy metals such as mercury to cause brain damage to children. To put numbers on this, if 30% US electricity provided by wind and it substituted for today's coal plants, then SO₂ would be reduced by 16 billion pounds/yr. and NO_x reduced by 9 billion pounds/yr. The avoided human health impacts would be: avoided deaths of 14,364 people/yr; avoided asthma attacks of 300,000/yr, avoided upper respiratory symptoms of 2.07 million/yr. And a bunch of CO₂ would not be generated and reduce the people induced warming of the planet.

What good does reducing green house warming gases do for us? It reduces things like weather extremes such as increased floods and droughts, more frequent and more violent tropical storms (such as Katrina), and rising ocean level. So every KWhr of wind electricity, steers us away from our current tinkering with global climate and steer us toward a more stable future.

Wind electricity also avoids all the dreadful other impacts of coal, oil and gas extraction and transport. It also avoids all the geo-political complications and incredible cost of our current immersing in the middle-east. It avoids hazards of nuclear power which are many and insidious such as the dilemma of small probability of catastrophic accident, the use of weapon grade nuclear materials with links to terrorism, the further terrorist threat of "mole" disrupting nuclear plant operation and causing melt down, the terrorist threat of small organized group taking over a nuclear plant and causing melt down, and the long term (geological) radioactive waste storage problem.

Wind is a real benefit and should be pursued vigorously to replace fossils and nuclear power. We can't rely on others in far away places to solve our problem of generating too much green house gases for our own good. This seems like a good place to site a wind farms in our region. This coupled with a host of other things to improve our efficient use of energy and a portfolio of other renewable sources of energy should get us to a much brighter future.

Rich Caputo
San Diego Renewable Energy Society
28Jan10
Julian, CA

01/28/10

Ronald and Elizabeth Dahlgren

Taos Otra Vez Historic Cattle Ranch (515 acres)

Highway 94

Potrero, California

619-971-3681 Cell

I am here this evening to strongly support the Boulevard Substations needed to provide an interconnection of renewable generation in southeastern San Diego transmission system. The source of this renewable electrical energy will be wind turbines and other green projects. Our Ranch will be visually impacted by SDGE 140 ft. transmission towers which are 1 mile from our property. We are not nimbys but imby's. This electrical line will have come through Boulevard Sub-Station receiving energy, for now, from the Mc Cain Valley, Tule and Energia Sierra Juarez generators.

We must not have the "drill baby drill or nuclear generation support view" because we are compromising, now, our earth's life systems, temperature and creating air/water pollution. National defense is being jeopardized by using up our oil, natural gas and coal reserves. As citizens, we should be buying our fossil fuel sourced energy from other countries, i.e. 7/11 gas is from Venezuela which is our primary source. Currently, storage for nuclear waste is seriously limited and dangerous, i.e. even for cancer therapy nuclear isotope refuse, and causing in Washington State old nuclear container leakage into the Columbia River which serves Portland's water needs.

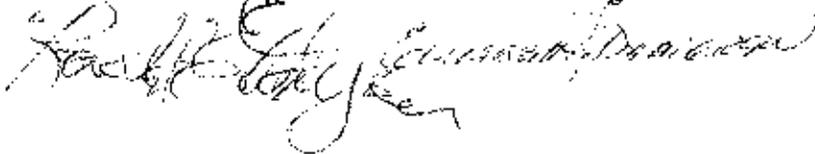
Wind and Sun is FREE, but it can't be transmitted wireless like our cell phones. Even now, Boulevard and Jacumba have unreliable Sub-stations (45 black outs/yr. SDGE). SDGE needs to replace the old ones with reliable technology which can perform both functions: the transmission of renewable energy and current service. Yes, it will cost money but what the experience from Europe and U.S. demonstrates is ultimately it will save us 75% when compared to fossil fuel sourced energy and that savings will probably just keep going up. One legitimate health concern (Harry and Pierpoint, M.D.) of wind turbine's is the creation of a medical vestibular syndrome involving primarily hearing and balance which can result from locating turbines too close to residences, but it can be addressed and measured dependent upon the size of the turbines, decibel level of sound and distance to residences. The World Health Organization (source Wikipedia) recommends for the largest turbine(200 KW+) a sound not to exceed 20 Decibels (home refrigerator=50 decibels) and distance not less than 2 kilometers (1.33 miles).

For the benefit of all our San Diego County Citizens, Wildlife and Nation please, as we are, endorse and support these energy transmission and energy projects.

Thank you,

Ronald E. Dahlgren

Elizabeth A. Dahlgren



PESWiki.com -- Pure Energy Systems Wiki: Finding and facilitating breakthrough clean energy technologies.



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Directory:MIT:Daniel Nocera:Catalytic Electrolysis

From PESWiki

<< A Top 100 Energy Technology >>



Electrolysis Breakthrough for Solar Storage

Inspired by the photosynthesis performed by plants, researchers at the Massachusetts Institute of Technology (MIT) have combined a liquid catalyst with photovoltaic cells to achieve a super efficient (nearly 100%) electrolysis.

This becomes a very effective storage system. One obvious extension of this would be the cost-effective storage of daytime solar energy for night-time use. Excess capacity during the day could be stored as hydrogen and oxygen, then used in fuel cells at night when needed.

"Solar power has always been a limited, far-off solution. Now we can seriously think about solar power as unlimited and soon." -- Daniel Nocera: *Science*; July 31, 2008

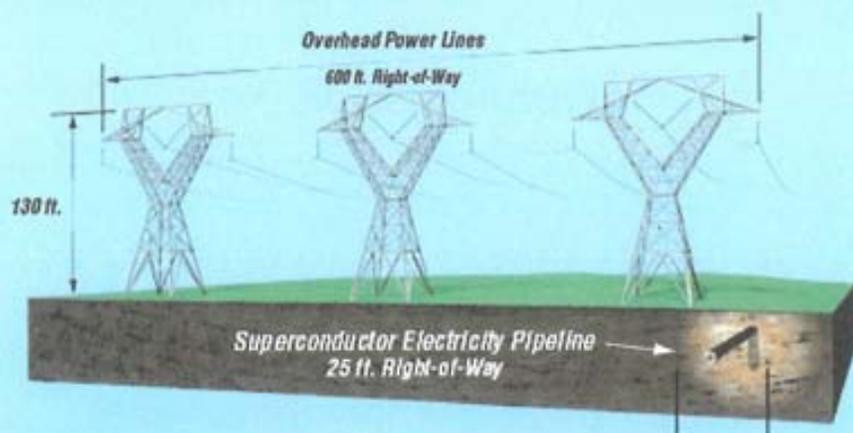


Those playing with onboard electrolysis for hydroxy gas injection into the air intake might find this development to be noteworthy as well.

Contents

- 1 Official Websites
- 2 Videos

1,000 mile, 5,000 Megawatt Power Equivalents



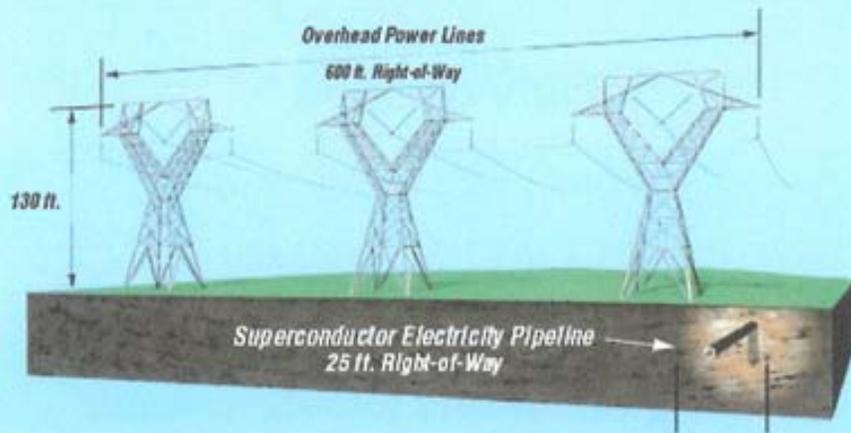
Out of Sight, Out of Harm's Way

Superconductor Electricity Pipelines combine conventional underground pipeline construction techniques with revolutionary, high capacity superconductor cables and proven multi-terminal DC-AC power electronic converters. The result is a high-capacity, long-haul electric transmission “pipeline” that:

- **Delivers Gigawatts of Green Power to Market:** Capable of carrying wind, solar, geothermal and hydro power from multiple sites to multiple cities.
- **Resolves Difficult Siting Problems:** Conventional overhead transmission lines require new corridors hundreds of feet wide. The time-consuming and potentially litigious process involved to site these lines is a significant roadblock to developing new renewable power in the U.S. Superconductor Electricity Pipelines can carry thousands of megawatts (many gigawatts) of power in a 25-foot-wide corridor and can be placed in existing railroad and highway rights of way.
- **Improves Aesthetics:** Conventional high voltage towers are more than 100 feet tall and can significantly impact the aesthetics of neighborhoods, national parks and sensitive wildlife areas. Superconductor Electricity Pipelines are out of sight and out of mind. Unlike overhead power lines, they also are free from electromagnetic fields.
- **Increases Security:** Ice storms, hurricanes, tornadoes and terrorism are just a few of the threats to overhead power lines. Given their underground location, Superconductor Electricity Pipelines are out of harm's way.
- **Enhances Efficiency:** Superconductor Electricity Pipelines are able to cut power losses by two to three times when compared with conventional transmission options. This results in improved return-on-investment and reduced carbon emissions.
- **Simplifies Cost Allocation:** Cost sharing for new AC transmission lines is a significant challenge due to the difficulty in determining the benefit each affected electric utility receives. The power supplied to and delivered from Superconductor Electricity Pipeline DC-AC on- and off-ramps enables much simpler cost allocation.
- **Is Cost Competitive:** When looking at the thousand-mile, multi-gigawatt transmission runs required to transport renewable energy from America's heartlands to its cities, Superconductor Electricity Pipelines are comparable in cost to 765 kV AC overhead transmission lines.

Contact us! For more information regarding Superconductor Electricity Pipelines, please contact us at powerpipes@amsc.com

1,000 mile, 5,000 Megawatt Power Equivalents



Out of Sight, Out of Harm's Way

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Contact us! For more information regarding Superconductor Electricity Pipelines, please contact us at powerpipes@amsc.com

Rica Nitka

From: Phstc@aol.com
Sent: Saturday, January 30, 2010 5:34 PM
To: ECOSUB
Subject: Trio of East San Diego County electric projects

Comment on project alternatives:

Project alternatives include increased conservation and distributed or "rooftop" solar generation.

There is some academic argument that large scale renewable energy projects are superior to distributed or "rooftop" sources. It is possible the large-scale projects may appear, on an Excel spreadsheet, to create more power, faster at lower unit cost.

Cost is not the key test result of an analysis of project alternatives.

The most important test is effectiveness. Are the alternative projects overall as likely to produce a similar outcome, but one more favorable to the environment?

The answer for conservation and rooftop solar is "yes".

For a number of reasons:

1. Conservation is immediate, and to a great extent, persists. It is virtually costless to the consumer, although it has some cost to utilities in the form of backup or peak requirements--but those are more than offset by the reduction in proposed project costs.
2. The costs saved by consumers in conserving energy more than balance the greater efficiency of large-scale projects when analyzed in total, over time.
3. In addition, once a consumer starts conserving electricity, they also begin to think about conserving water and other resources. They recycle at greater rates. There is a cascade of benefits, all measurable based on years of experience in San Diego, Southern California, California, the West, the United States, Western Europe and now, in nascent form, in India and China.
4. Rooftop solar has greater overall economic benefit. It can be done by apartment owners for their tenants, by homeowners for themselves or renters, by business, by schools (which do not consume much power in the summer, and therefore could inject vast quantities of power into the grid at the very time power demand peaks), and all kinds of institutions. Indeed, in San Diego, it has been shown that solar panels can be installed above at-grade parking, providing power and shading asphalt surfaces, with resultant overall cooling and decrease in ambient summer power demand.
5. Rooftop solar tends to involve more local suppliers, installers and people involved in maintenance. This was one of the key factors behind the Los Angeles Unified School District's move to solar power. This provides more local economic benefit than

does bringing in massive wind turbines manufactured offsite, or offshore, and hiring roving professional crews to install them. Ditto for transmission towers. The materials are made elsewhere. While solar panels may be made elsewhere, there is a greater component of labor cost and locally manufactured product cost in rooftop solar than in large scale renewable energy projects. And, a local company, Kyocera, is one of the leaders in solar panel design and fabrication.

6. Rooftop solar has almost no environmental impact. Local government is working on regulations that involve one neighbor's project impacting anothers. But there are a myriad of such local impacts including one neighbor's trees blocking another's view. This is nothing like the massive impact of permanent renewable sources and transmission lines from grading to build pads and access roads, to significant bird-kill to noise (have you ever walked beneath a high transmission line? It hums continuously and loudly).

7. Can power from conservation and rooftop solar be achieved as fast as from mega-projects? The answer for conservation is "yes". For rooftop solar the answer, looking purely at economics and sources of capital would be, "probably not, at least now", but rooftop solar, if encouraged (in part by denying mega projects which are vastly more harmful to the environment), will become competitive on a purely economic basis as demand increases and manufacturing and installation costs come down.

8. It is very difficult to make an apples to apples economic comparison of distributed power to mega-projects, given the accounting treatment utilities receive, regulatory mandates, guaranteed utility rates of return (power lines) and tax benefits and subsidies to all parties.

However it is easy to see that conservation is virtually free to achieve, yet has benefits that can be precisely measured for all parties. Indeed, utilities throughout the United States have found conservation to be highly profitable--diverting scarce capital from expensive projects to more profitable uses--so profitable that utilities are paying customers not to use power (Idaho Power and Boise area farmers among others.)

Peter H. St.Clair
2326 Whitman Street
San Diego CA 92103
619-260-1307
phstc@aol.com

This footnote confirms that this email message has been scanned by
PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.

From: suzanne bennett [mailto:suzannebennett@rocketmail.com]
Sent: Monday, February 01, 2010 3:51 PM
To: ECOSUB
Subject: County Energy Projects

To Whom It May Concern:

Please **DO NOT** approve the proposed energy projects in East San Diego County. San Diego Gas & Electric is motivated solely by profit and has no genuine interest in the environment, in supporting green power, in maintaining a reasonable rate structure, or in taking responsibility for the damage its power lines have caused and will continue to cause.

The proposed Sunrise Powerlink is a disastrous project that will be a blight on the aesthetics of the land in East County. The need for a trans-county powerline is questionable but if SDG&E has convinced you it is a wise endeavor then at least, make them run the line **UNDERGROUND** for its entire length. If that is too costly, then stop the Sunrise Powerlink and develop local power generation projects (e.g. solar panels) that will benefit local communities as well as individual energy producers/consumers. It's not too late for the CPUC to reconsider the legacy it's bequeathing to the citizens of California.

I would not be writing this letter unless I believed that we have leaders with vision and guts enough to stand against the pressure of "Let's do it fast and do it my way" profiteers.

Thank you for considering my opinion.

Suzanne Bennett
1524 Savin Drive
El Cajon, CA 92021
(619) 447-2954

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Real Estate Development
Property Management
General Contracting

LIC # 373142

1000 PIONEER WAY, EL CAJON, CA 92020
PHONE: 619-440-7424 FAX: 619-440-8914

February 4, 2010

Mr. Iain Fisher
California Public Utilities Commission
c/o Dudek
ecosub@dudek.com

Re: ECO Substation Project

Dear Mr. Fisher:

I live in East San Diego County and am a Project Manager for Hamann Companies, which owns approximately 2,000 acres of land in the Boulevard area north of Interstate 8. This region is ideal for renewable energy development due to its vast wind, solar and geothermal resources. We need to take advantage of this opportunity by building renewable energy projects and infrastructure like the ECO Substation Project. I support this project because it is critical not only to our energy independence, but to economic stability and electric reliability.

As I stated in my testimony at the Boulevard scoping meeting on January 28, tens of thousands of people are out of work in East County. Developing clean energy in the region would create green jobs when they are needed most. Given these benefits, I respectfully request that the socioeconomics section of the EIR/EIS consider the following questions:

1. How many megawatts of renewable energy could feasibly be generated in East County?
2. How many renewable energy projects (and megawatts of electricity) could be facilitated by the construction of ECO? How many could be facilitated by the project alternatives?
3. How many temporary and permanent jobs would be created in East County if this potential renewable energy were developed?
4. What is the estimate of property tax revenue to the county that could be anticipated by the projects that would be capable of being built because of ECO?

Page Two

February 4, 2010

Additionally, I ask that the environmental study quantify the reliability benefits of ECO and the alternatives. This analysis should include reductions in the number and duration of outages in communities served by the existing Boulevard Substation.

Thank you for your consideration of these important issues.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Best regards,

John Gibson
Project Manager



**CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC)/
BUREAU OF LAND MANAGEMENT (BLM)**



RECEIVED
10 FEB -5 AM 10:03
CALIFORNIA DISTRICT
MORENO VALLEY, CA

**Joint Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
for East County Substation, Tule Wind, and
Energia Sierra Juarez Gen-tie Projects**

**Written Comment Form
(please print)
Wednesday, January 27, 2010**

Name*: ADAN RUBIO
Affiliation (if any)*: _____
Address*: 4454B SEELEY AVE
City, State, Zip Code*: JACOBBA, CA 91934
Telephone Number*: 619-766-9187
Email*: areid@yahoo.com

I ATTENDED THE PRESENTATION FOR THE PROPOSED PROJECT IN THE EAST COUNTY.

I BELIEVE THAT WITH ONE HOUR OF PRESENTATION, NO PRIOR INFORMATION ABOUT THIS PROJECT. IT IS ALMOST IMPOSSIBLE TO ASSES THE VALUE OF THE MAGNITUDE OF THE PROJECT AND THE HORRIBLE AND TERRIBLE IMPACT THAT WILL HAPPEN IN THE RURAL EAST COUNTY THE ABOVE PROJECT HAS A LOT OF FAULTS AND YOU DID NOT MENTION ANY OF THEM. THERE ARE ~~SO~~ SO MANY POINTS AND SO MANY VARIATIONS AND IMPLICATIONS THAT ONE HOUR WAS NOT ENOUGH.

I THINK THAT IS A PROJECT THAT IF EVER STARTS WILL NEVER BE FINISHED. AND AS WE ALWAYS SAY OR THEY ALWAYS TELL US, "THAT BEFORE WE START SOMETHING, WE SHALL LOOK AT WHAT WE ALREADY STARTED AND IF IS NOT PROPERLY FINISHED AND DOES NOT WORK WHAT IS THE PURPOSE TO START ANOTHER ONE"

LOOK THE ONE IN RIVERSIDE NOT EVEN 10% ARE WORKING WHY NOT FIX WHAT IS BROKEN AND INVEST IN THERE TO UPGRADE AND BRING TO SAN DIEGO

SEE PAGE # 2

* Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments can also be faxed or emailed.

(See reverse for additional information)

P. P. C.

3 LM.

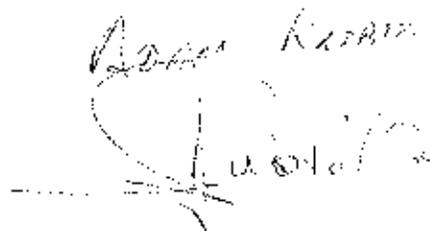
EAST COUNTY OBSERVATION TIRE WIND AND
ENERGY SIERRA ENERGY GEN-TIE PROJECT

LOOK AT GOLDEN ACORN PROJECT. HOW LONG I
BEEN WORKING THEY HAVE TRIED TO FIX THE PROBLEMS
AND THEY HAVE NOT BEEN SUCCESSFUL,

MAKE ONE OF THEM TO WORK-
AND AGAIN ALL THOSE ARE WORKING
PROPERLY INVEST THE TIME ENERGY
MAN POWER IN A NEW ONE.

JACUMBA COMMUNITY, BACIFORD COMMUNITY
TIERRA DEL SOL AND ALL ADJACENT COMMUNITIES
WONT BENEFIT OUT OF THE PROJECT:

SINCERELY,

ROGER KIRK


February 6, 2010

Iain Fisher
California Public Utilities Commission
C/O Dudek
605 Third Street
Encinitas, CA 92024

Dear Mr. Fisher:

Thank you for coming to our community and conducting the scoping hearing and I enjoyed our conversation before and after the hearing. I am writing in regards to the EIR/EIS for SDG&E's proposed ECO Substation project. As a former Marine, I strongly believe that we, as a nation, must wean ourselves away from foreign oil and fossil fuels. Renewable energy will play an integral role in this process, which is why projects like the ECO Substation are so important. With that said, I would like to see the issues below included in the EIR/EIS.

Air Quality

The EIR/EIS should analyze the environmental benefits of renewable energy in terms of air quality by including the following information:

- The number of renewable energy projects that could be developed if the ECO Substation project is built.
- The number of fossil-fueled power plants that could hypothetically be replaced if these renewable energy projects are developed.
- The potential greenhouse gas emission reductions created by the shift from fossil fuels to renewable energy in East County.
- The percentage of the region's AB 32 targets that could be reached because of these reductions.

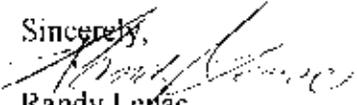
Socioeconomics

From an economic perspective, I would like the EIR/EIS to identify:

- The amount of income wind farms could generate for local farmers and ranchers through capital investment as well as to local labor and suppliers during construction and post-construction.
- Whether or not wind development in East County could raise property values for large tracts of private, developable land and whether it will adversely impact residential property values in the area.

I hope you will incorporate this information into the project's environmental document.

Sincerely,


Randy Lenac
2627 Cameron Truck Trail
Campo, CA 91906
(619)478-5403

Elizabeth Higgins, Realtor®
1087 Pine Dr., El Cajon, CA 92020
February 7, 2010

Iain Fisher
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024
ecosub@dudek.com

Re: Comments on ECO Substation

Mr. Fisher:

I am a real estate broker and have worked in the real estate business for over 40 years. As such, I carefully consider impacts to property values in evaluating any potential project. Of particular interest to me is a December 2009 study showing that wind farms have no negative effect on residential property values (<http://eetd.lbl.gov/EA/EMP>). I respectfully ask the Commission to include a similar study for eastern San Diego County in the ECO Substation environmental report. Specifically, I would like to know if the wind development spurred by the project would impact home prices in the area as either an increase or decrease in value. Real estate values at this time are greatly devalued as a result of current market economics.

In a similar vein, the report should determine: 1) Whether or not the ECO Substation/wind development would attract new residents to the area by creating additional jobs; 2) How this population growth would affect demand for housing and other services provided by local businesses; and 3) How this new demand would benefit the local economy. Would additional schools and public safety services be needed, and would the cost of such services be offset by increased property tax revenue?

Thank you for the opportunity to comment on these proceedings. I believe the ECO Substation is a lynch pin that will ultimately facilitate wind energy development and benefit eastern San Diego County. I hope a thorough assessment of these positive elements will be included in the environmental analysis.

Sincerely,



Elizabeth Higgins, Realtor®
DRE license#: 00323802
Phone: 619-441-2717

From: jimburnsfree [mailto:jimburnsfree@me.com]
Sent: Wednesday, February 10, 2010 6:06 PM
To: ECOSUB
Cc: Luke Gordon; Fanshen X; Mursshud Van Merlin; Ha Ha; Aba One; Jack Rudra
Subject: Scoping Comments for inclusion in the ECO Substation Scoping Report

I am submitting comments for review by the appropriate parties in creating final plans for the ECO Substation Project.

My name is James Freeburn. I represent a church and a religious community which has organized to purchase and maintain residence for church personnel on parcel #'s 659 030 04 00 and 612 120 53 00. We also own an adjacent property to the south (parcel 659 030 11 00) giving us use of 165 acres total. We treat these individual properties as a single piece of property. We have been there since 1994. Our organization is called The New Being Project. We are a 501(3) non-profit with an IRS letter of determination of tax exemption and church status. We have been incorporated since 1974. I currently serve as a member of the board and vice-president of the non-profit. I work closely with the legal owners of all properties cited in these comments. All parties are part of a community of church members have purchased the properties as a religious community to further our church's work.

Our property is used as retreat residence for our church members and we also grow food and raise animals to feed our community as allowed by our zoning. We offer free yoga, spiritual practice, and food to the surrounding community.

We purchased the property primarily because of its seclusion, it's agricultural possibilities, and its natural beauty.

While not opposed the Eco Substation Project in principle, its proposed path grossly interferes with our use of our properties. I seek to petition the planners and approvers of this project to make route or structural changes which will mitigate the impact of the currently proposed route on our church activities.

To further this petition, I offer the following list of negative impacts the current routing will have on the use and value of our property:

- 1) It appears as though the proposed route seeks to hug the borders of parcel 659 030 04 00 and then to cross directly across our smaller parcel 612 120 53 00.

However since we own and use the property adjacent to this border on its southern side, the proposed route effectively cuts our 165 acres in half. Our property was purchased for personal retreat and residence. It was purchased for the peace and simplicity that is afforded by rural living. Our church greatly values the natural beauty of the land and the skies. Our property, in particular, enjoys beautiful views of boulders and skyline. The views on the property are the perfect setting for the retreat and contemplation purposes for which our church members use the property. Huge metal towers viewable from every side of our property will eliminate the beautiful and natural quality of this setting. The spectacular night-time views of the stars will also be greatly degraded by the towers and lighting that come with it.

2) Our community grows its own food and raises animals. Our property is specifically zoned for residential agriculture. We are actively farming on many parts of our property. We have plans for organic farming and cultivating every available square foot. The towers and the roads that service them will decrease our available square footage. Also, the construction of towers and roads could affect how water sheds and collects on the property perhaps making more square footage unusable. The EIR/EIS acknowledge that hazardous materials will be used during construction and maintenance of the power lines. Segments of our soil could be rendered unfit for organic or even conventional farming in this process.

3) We live and farm solely and access to quality ground water through our wells. The EIR/EIS acknowledge that construction and maintenance of new power lines could negatively affect the quality and availability of our ground water.

4) Construction will be very noisy and disruptive. Continuing maintenance will bring workers and vehicles regularly onto our land which our church purchased for privacy, retreat, meditation and contemplation. It is the combination of natural beauty and secluded quiet that makes our property uniquely suitable for our church's residential retreat purposes.

5) Erecting the power lines will certainly greatly lower the value of the two parcels upon which the lines are physically located, however, additionally, since they are set to be placed right along the border of the southern property (parcel # 659 030 11 00) and no other natural border exists, the value of the adjacent property also owned by our community will no doubt suffer as well. Since the properties have little other value for most potential buyers than their natural beauty and their agricultural potentials, the power lines pose a great

threat to our ability to sell the properties for their current market value should they prove to be unusable for our stated church purposes.

6) Our property is used residentially and for enjoying hiking and other outdoor activities by people of all ages including many children. There is very legitimate concern over EMF effects closely spreading over our properties from the proposed lines. People from our church will necessarily be in close proximity to these towers at all times as they spend time on our land. It would be prudent to erect the towers as far away from human habitation as possible. The current proposed route does nothing to avoid exposing our church members to whatever harmful effects that EMF can induce.

It is our community's deeply held hope that the planners and approvers of this project find these considerations important and put due effort into mitigating these impacts to our land and our church community. I would like to work directly with someone from the engineering and design team so that the planners would understand specifically how we use our land and would then adjust the current routes to minimize the impact on our use of the land we own. I feel there are seemingly minor changes in the routing which would go far to move us in the desired direction.

Sincerely,

James Freeburn
New Being Project
1585 Jewel Valley Rd
Boulevard CA 91905
619-758-5360

jimburnsfree@me.com

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From: Ken Daubach [mailto:dumptruck.01@wildblue.net]
Sent: Thursday, February 11, 2010 11:09 PM
To: ECOSUB
Subject: Eco Substation CPUC Hearing

Thank you for giving us this opportunity to comment. We realize there are many different views on this project. We are thankful that we can present some of the comments we have.

These are some questions and contradictions we've taken notice of from SDG&E. We have attended meetings, hearings, and participated at these meetings and hearings. We have asked questions have not received answers to these questions. We've written letters and emails stating our concerns.

First of all, SDG&E has been telling us since March 2009 that it is necessary for our safety to turn off our power during high winds and extreme fire conditions. Yet, they want to put more fire hazards in our area. They have also stated that steel poles and undergrounding are not options out here even though there is such a high risk of fire. They have told us that we are not high priority for steel poles after repeatedly saying what high risk our community is in. They have also said that undergrounding is impractical and expensive. They have even set up Care Centers with Red Cross in case they will have to shut the power off. Locally in the Boulevard area, there is no Care Center as we had no buildings that could accommodate one. The few facilities that are set up are few and far between. If they are going to create an outage, they should provide an adequate place for a Care Center. Red Cross stated that the Care Centers would only be open in the day hours. Residents in the backcountry will be on their own during the night hours. This includes such problems as heat and cold as well as no running water. The facilities are set up with no showers available and very limited bathrooms. They also will not allow overnight stays. Nothing will be set up for animals of any kind. They felt that livestock owners could ship in water for their animals, even though the nearest water is 60 miles away and the cost would be horrendous. When SDG&E was questioned about this, they said that it was a temporary process not to exceed three or four days. Although the shelters are only supposed to be operating for three to four days, the power will not be turned on until the linemen have inspected every line. This process would not start until the weather or fire danger is gone. They admitted that linemen walking long distances could go beyond the four days the care centers will be running. SDG&E also plans to install enough power resources out here to be gathered at the Eco-Substation and transmitted through the Sunrise Powerlink to keep San Diego city's power flowing. These lines and power sources, while posing a greater danger, will not be turned off during these times. SDG&E handed out \$200 debit cards to a select few who could use these when the power went out. No one seemed aware of what the criteria was to get one of these cards though.

SDG&E assures us that they have a helicopter set up for fire suppression. CalFire has warned us that only their helicopters can enter a fire zone and that SDG&E's helicopters will not be allowed in. Also CalFire says that they are unable to fight fires below lines. This brings up that SDG&E will now be installing towers for their lines with helicopters

to save on access roads. This will leave even less opportunities for fire fighters to do their job. Electrical repairs with helicopters are one of the top ten dangerous jobs. There are extremely high winds out here. The cost of having these installed by helicopters and the downtime waiting for the wind to let up, will it be worth it? Boulevard already has the military and Border Patrol flying over their homes, now SDG&E wants to add more. Our homes already shudder when the helicopters fly over. It wasn't too long ago that an airport was being considered for Boulevard but due to winds and gusts as well as various other factors, they were unable to proceed. This makes the helicopters seem impractical.

SDG&E has been consistently raising their rates to the rate payers while conducting phone surveys (outsourced) that allow no real opinion to be expressed, leaving phone messages about how to lower bills, and advertising their 'green' energy through fliers, billboards, and television. This could be used toward steel poles or undergrounding power. Things that a lot of us out here would be more willing to see than advertisements and annoying phone calls. The advertising is more directed toward the city occupants anyway.

Community Councils have been set up to help with adjusting the community to these changes. The Council members have been chosen from local residents and business owners as well as interested parties. For Boulevard's Community Council, only 5 of the 13 members are even local. Although CalFire was invited, they didn't invite any local fire fighters from Boulevard's own volunteer department. SDG&E's purpose for these Community Councils is 'purpose of establishing a two-way dialog with community and business leaders, who can serve as liaisons with their friends, neighbors, and colleagues.' If these people are not leaders or even residents in their community how can they spread the information among the community members? Not even the locals on the Community Council have tried to communicate with anyone else.

The farther the distance from the source to the user, the more power loss. The Powerlink is extremely long but the high voltage should push more power through. Even considering this though, an SDG&E representative said that the power would be decreased through Alpine due to the larger population.

Will the rate payers be seeing any of the benefits of surplus and tax? Or is this just a project to make the big companies and the government look good and green while trampling the people who make up their jurisdiction?

These are some comments from Don Haines, SDG&E's resource manager, when he attended the last Planning Group meeting. Haines remarked that the current route is 'a ridiculous serpentine thing.... Craziest thing you've ever saw.' Haines also stated that SDG&E was shocked that the Southern Route was chosen. They didn't think it was a good idea and they didn't want it. If SDG&E doesn't even like this idea, why are they going forward with it?

About the Energia Sierra Juarez Gen-Tie. Yes, this is a quick solution for green energy, however, land resources will be destroyed that can never be replaced. It also is relying on a third-world country to remain peaceful and friendly as well as cooperative. Mexico currently is a danger along the border for Border Patrol. Even law enforcement officers

must take special precautions before visiting Mexico. There are valid reasons for the current unrest. Is it wise to rely on a foreign power at this time? If the drug cartel can't even be controlled along our side of the border, how can terrorists be controlled on their side? The residents of the area in Mexico are getting a one-time offer and no power from this project. How long will they be satisfied with this arrangement?

About turbine projects. Would this many turbines even be considered if there were no stimulus money or tax credits? In areas of little rain, the turbines accumulate dirt, grime, and insect deposits that impair and reduce performance for longer periods. So far, even though we are a high wind area, none of the turbines have been equipped with blades with air brakes. There are many things that can go wrong with turbines and some of the problems are almost impossible to control. 95% of all design for turbine safety alone is about controlling the speed of the blades. CO2 emissions have not even been reduced at all by using wind power and costs increase due to backup maintenance and transmission. A quote from Dr. Christopher Hanning: 'The only mitigation for wind turbine noise is to place a sufficient distance between the turbines and places of human habitation.' Health effects related to noise are not even fully explored yet. All the turbine projects weave in and around residential areas in the Boulevard area. The average winds in this area are almost too high to have the turbines producing any power. SDG&E doesn't even buy all the turbine power currently produced in our area, why will they in the future? They state that they need more green energy produced to prevent outages but right now they don't even buy all the green energy available to them locally and there have not been rolling brownouts or other outage problems. It has been stated by the Fire Marshall that above ground transmission and/or collector lines are a high risk in the backcountry and should be avoided. We are told that the turbine's footprint is very small. If solar was put on all existing buildings, there would be no footprint. Instead of SDG&E spending billions of dollars on permanently changing the landscape, they could put their money into solar which wouldn't scar anything or destroy something irreplaceable. They would be able to help their rate payers at the same time. BLM had to downgrade McCain Valley/Lark Canyon in order to allow industrialization. Is sacrificing government protected lands necessary? They were protected for a reason. Cleveland National Forest is now allowing meteorological towers for testing for turbines although their mission statement is "The mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations." When is it going to stop? When there are no open spaces left?

About the Kumeyaay Wind Farm. Tribal chairman, Monique LaChappa, came to one of the Boulevard Planning Group meetings to talk about her up and coming wind project. When she was asked if the tribe supported the Sunrise Powerlink, she said that they did not support it and were against it. It was explained to her that she must be mistaken because her new project would be connected with the Sunrise Powerlink. LaChappa said that according to her information this was not true. That night, SDG&E's Don Parent was also at the meeting. So, he was asked if the Sunrise Powerlink and the new wind project would be connected. He said that if you had the one you would have to have the other. LaChappa asked why if SDG&E knew the tribal stand on this, why wouldn't have they informed them? Don Parent told her that the tribe never asked.

Below are some comments from Ken Daubach, a witness to the trouble with the turbines on the night of December 7, 2009. Prior to December 7th, the turbines had been shut-off due to the high winds.

December 7, 2009: SDG&E power outage from 2:30-3:30 PM. Between 11:00 and 11:30 PM, I was traveling westbound on Interstate 8 following a snow plow. I was driving at approximately 5 mph. I saw a bright blue flash of what originally looked like a large electrical discharge that started in the center and lit up the whole hillside.

January 13, 2010: Received Sign On San Diego Union Tribune article through email. It stated that David Barnes was the chief executive of the Bluarc company. We accidently sent an email to Linked In when trying to contact David Barnes.

January 15, 2010: Looked up a December 8, 2009 article on Sign On San Diego that mentioned a Neal Emmerton, the regional assistant manager for Bluarc.

January 19, 2010: Got an email from Linked In telling us that we had accidently sent our email to them. Found contact information for Bluarc on the internet. 5307 E. Mockingbird Lane, 7th Floor, Dallas, TX 75206. Phone number: (214) 515-1100. Fax: (214) 268-9929. Called and left a message for CEO David Barnes. The voicemail we left, asked him to call us back.

January 28, 2010: Called David Barnes again. He was out to lunch.

January 28, 2010: Attended the CPUC/BLM meeting. Gave a short talk about what I witnessed. Onell Soto of the San Diego Union Tribune took my contact info. but has not yet contacted me. Talked to a Mr. Shannon (?) the Kumeyaay Wind Farm Controller. He said that the manufacturer was not being cooperative and that SDG&E had shut down the turbines numerous times due to putting in steel poles. He didn't know what had happened to the turbines. He also said that the employee that told the newspaper that there was lightning got into trouble. He stated that there was no lightning and no fire and that no one was hurt. Due to the insurance company and investors, they need to get the turbines up and running quickly.

February 1, 2010: Left another message with David Barnes. Neal Emmerton called back at 1:30 PM. His number is 760-318-2805. His comments were that the workers had left the site due to safety issues. They have verified with the military that there were no lightning strikes that evening. I described to him what I saw. I mentioned that SDG&E had a power outage the day of the storm. Neal agreed and said that while rerouting power, they had inadvertently been taken off-the grid that day too. He admitted that they have no idea what is wrong. They have 8 turbines with blades on but none of them are working.

February 4, 2010: I ran into the engineer that attended the CPUC meeting. I still didn't get his name but I talked to him for about 20 minutes. They will be putting up two turbines a day, weather permitting. They can't leave the blades lying on the ground. He said that at 10:30 PM on December 7th, he did turn something on. At one time, he called the whole event a catastrophic failure. At another time, he called it the worst possible scenario. He also said that the next two hundred turbines that they were going to put up would be General Electric which are much better turbines. They will be hiring 1 employee for every five turbines. He got the job up there by going to greenjobs.org, taking a test, and attending their training. He claims that the turbines are sitting on a 30 foot deep pad. He agreed with me that solar leaves no footprint when installed on existing rooftops.

February 6, 2010: Miriam Raftery, editor of the East County Magazine, called but I was at work. She said she would get in touch with me on the 7th.

February 7, 2010: Miriam called back and interviewed me. Since this outline, an article has been written in the East County Magazine.

These turbines have been out of commission for over two months. There have been no rolling brownouts to our knowledge anywhere in San Diego County. So even the wind that SDG&E is purchasing from these turbines is not needed. This does not support the reason that Sunrise Powerlink will be bringing in much needed power.

As a family, we agree that green energy is the way to go. However, we also believe in

having major decisions well-planned out. During this economy, to demand so many sacrifices from people in small towns and to cause the rates to go up when so many have trouble already with their bills, makes it hard to stand behind a company that contradicts itself. They make statements that don't mean anything or that sounded good at the time. Please take this email into consideration. Once this is done, it can never be undone. Land cannot be reconstructed. When your thinking of the future, consider the earth itself.

Ken, Tammy, Michelle, Kristy, & Sherry Daubach
39954 Ribbonwood Rd.
Boulevard, CA 91905
(619) 766-4033
dumptruck.01@wildblue.net

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February 11, 2010

Iain Fisher
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024

Dear Mr. Fisher:

Subject: SDG&E's ECO Substation Project

I am a resident of Campo, California. Campo is a small, mountain community east of San Diego. For the past several years, Campo and the surrounding communities have been the subject of alternative energy generation. There's plenty of sun around here and the wind is said to be some of the most consistent in the country. My husband and I have been attempting to pursue some sort of renewable energy for our own home. We have been unable to achieve this goal due to the high costs of photo voltaic (well over \$100,000) or a windmill. Many of us will never be able to take advantage of clean energy in any form unless it is offered to us through some company that is putting out millions of dollars to develop it.

In the past I have run into people in this community who do not want windmills on the ridges. They do not want commercial solar panels within view. Neither of these are reasonable in my opinion. It is windier on the ridges and solar panels cannot be entirely hidden if they must face the southern sky.

I am of the belief that we need to become independent of foreign oil. We need to become energy independent. Solar, wind and nuclear are our best choices at this time in history as far as I can see. Commercial development of these energy sources is the only way to get off foreign oil. Solar and wind generation are in their baby stages. Without development and use that will lead to improvements, they will never get out of the baby stage. We have to start somewhere.

Some in this community are fearful that such projects will negatively impact human health and welfare as well as local wildlife. Each of these concerns should be able to be addressed one at a time and mitigated in one way or another. Simply finding the most appropriate location may be all that's necessary to address many of these issues. We should not dismiss these projects until we've had the chance to evaluate them thoroughly. We could be passing up the chance to make significant positive impacts on our environment that will last long into the future.

I understand that San Diego Gas & Electric will have to build a new substation and make improvements to other parts of its system in order to accept these new sources of

generation. I support such improvements so long as they also result in a more reliable electric system for the Mountain Empire communities.

Sincerely,

Margaret Stahlheber
1075 Meanwhile Ranch Road
Campo, CA, 91906

Dennis & Connie Berglund
Sandy Creek Ranch
33408 Sandy Creek Lane
P.O. Box 776, Pine Valley, CA 91962
(619) 478-2600 fax (619) 478-2555
Internet: <http://www.sandycreekranch.com>

February 12, 2010

Iain Fisher
CPUC Project Manager
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Thomas Zale
BLM Project Manager
Bureau of Land Management
El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243

SUBJECT: Comments and Concerns re East County Energy Projects

We are residents and business owners living and working in the rural East County of San Diego. We recently attended the open hearings regarding the environmental impact for several projects currently planned for the rural East County area. These are:

- SDG&E ECO Substation
- Energia Sierra Juarez (ESJ) Gen-Tie Project
- Iberdrola Renewables 200MW Tule Wind Project

In addition to these projects, there are other projects in the rural East County that are also planned and are of a similar nature. These are:

- Campo Reservation Wind Energy Project
- Cuyapaipe Indian Reservation Wind Energy Project
- Other proposed wind energy projects on the desert rim
- Wind and solar energy projects by individuals and businesses

We are very concerned that the quantity and type of projects being planned for the rural East County will have an overall negative effect if all aspects of each project are not analyzed properly and if all projects are not considered in their total effect on the region. The following are our comments regarding areas we feel should be investigated while the CPUC and BLM evaluations are under way including SEQA and NEPA reviews.

February 12, 2010

Comments and Concerns re East County Energy Projects

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Summary

1. The past record of the CPUC regarding approval of the Sunrise Powerlink even though the administrative staff stated that the project was not needed causes concerns that the technical review and the residents' comments will have no bearing on the CPUC decisions.
2. Renewable energy technology is moving very rapidly and the construction today may be quickly outdated and the investments lost.
3. The United States energy distribution grid currently has no convenient or cost effective method of energy storage; therefore, most all energy must be produced only when needed by the consumer.
4. The recent past history of existing wind mills installed on the Campo Indian Reservation shows that these large, imposing machines are vulnerable to damage by natural forces of weather.
5. So many projects at one time within a rural population area will likely have a huge cumulative impact. All projects must be examined at the same time to evaluate these impacts.
6. The rural population of 10,000 is only a small portion of the 3.2 million residents of San Diego County, but all of these impacts will only affect these rural residents. The pristine natural environment of the rural East County must be protected although there are far fewer voters living here.

Detailed Discussion

1. The past record of the CPUC decisions.
 - a. Just last year the CPUC voted to approve the Sunrise Powerlink even though two administrative law judges stated in their reports that the Powerlink was not needed now or in the future.
 - b. The CPUC approved SEMPRA energy to use a snake-like powerline path that has not been properly investigated since SEMPRA really wanted to put the power line in the desert. The alternatives were never properly investigated but this made no difference to four of the five CPUC commissioners.
 - c. The CPUC chose this alternative although this alternative was the fourth best alternative according to CPUC staff research. Therefore, the CPUC ignored better alternatives without regard to the science or the concerns and recommendations of the residents.
 - d. We are concerned that, while you are conducting what may be a thorough examination of all these projects, in the end the CPUC will disregard all your research and vote in a way that benefits the energy companies involved in these projects.

2. Renewable energy technology is moving rapidly.
 - a. In the past, renewable energy technology had moved slowly because there was no apparent large market for renewable energy usage. Today, the situation has changed since, both for cost effectiveness and foreign policy reasons, renewable energy has become very important to our nation.
 - b. We are just at the beginning of emerging technologies such as improved solar panels and new areas such as algae production for fuel sources. You can see new emerging technologies almost every day now that there is an apparent market and development money is available to pursue these new technologies.
 - c. Wind power has been used in the past to develop electrical energy, but the advancements in wind power are not occurring at the rate of new technologies which appear to promise even greater efficiencies in the future.
 - d. The installation of wind generators, while they appear to be a good investment at this time, may be a very poor investment as new technologies replace the use of wind with our most readily energy source, the sun.
 - e. As part of the evaluation of the installation of wind generators in the rural East County, consideration must be given to the future availability of other sources that will be better for our environment over time.
 - f. Examples of such technologies are:
 - Development of CIGS solar panels which promise greater efficiency.
 - MIT development of hydrogen-oxygen storage systems that promise a cost-effective locally installed energy storage system.
 - Vertical axis wind turbines that are quiet, efficient, and do not harm birds.
 - Algae farming that would produce promising biofuels while being able to be farmed in a similar manner to crops.
 - High temperature super conductors that promise more efficient electrical transmission capability, can be easily installed underground, eliminating the need for obsolete transmission towers.

3. No convenient method of energy storage
 - a. While the U.S. has been rushing to install wind generation as the solution for our electrical power problems, the fact that we have no convenient or efficient energy storage system has been neglected.
 - b. While energy can be generated by wind when it is blowing, and solar during sunlight hours, there are no good ways to store excess energy. Therefore, the energy must be generated only when it's needed to be consumed.
 - c. There have been some large scale energy storage solutions which have involved pumping water uphill when the energy is available and allowing

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Comments and Concerns re East County Energy Projects

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it to flow downhill through generators when power is needed, in the same manner as an electricity generating dam, but these storage solutions are not generally available on the U.S. electrical distribution grid.

- d. While there is research in new ways of electrical storage, there are currently no viable storage methods, meaning that wind generators will only run when power is required. You have probably seen fields of wind generators where most generators are not functioning. This is largely due to the fact that the excess electrical power is not required at that time and, therefore, the wind generators must sit idle.

4. The recent history of Campo Reservation wind generators

- a. Several years ago, 25 2MW wind generators were installed on the Campo Indian Reservation and situated along the Tecate Divide. We have no factual data indicating the yearly power output, but we have noticed that there are many times when only a few of those generators are turning.
- b. We have been told by wind generator manufacturers that the overall efficiency of any typical wind generator is about 30 percent. This means that a 2MW wind generator is actually a .6MW electrical producer over time. If we are going to sacrifice the pristine rural mountains, we believe we should receive a greater output than 30 percent efficiency. Other, more benign, energy generators will yield greater efficiency.
- c. Recently, high winds and weather have caused damage to all 25 of the Campo wind generators. We were initially told that the problem was caused by lightning, although no residents saw lightning. We were later told that the damage was caused by high winds. This is unusual because the winds experienced during that time were not as high as has been experienced in previous years. Investigation may reveal that this region may not be the best for installing this type of wind generator due to the nature of erratic winds.
- d. We understand that the Campo Reservation is planning for the installation of 25 or more new wind turbines. This information should be included in your evaluation of all current projects.
- e. We are concerned that the wind generator market is being driven by the huge tax incentives available to wind generator installations rather than the profit that could be realized through the sale of the electricity. This means to us that the investors are more interested in completing the installation of any wind turbines, rather than being interested in the long term profitability of electricity generation. If the investors are primarily interested in the tax incentives, there will be limited future incentives to keep these huge wind turbines operational as new and better electrical generation technologies become available.

5. Cumulative impact of so many energy projects at one time in the rural area

- a. Your documentation lists several projects on both sides of the Mexico-California border that are being evaluated at the same time. Your documentation, however, does not mention the many other proposed

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Comments and Concerns re East County Energy Projects

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projects in the same area of the same or similar type. As an example, there are projects such as:

- Campo Reservation Wind Energy Project
- Sunrise Powerlink
- Cuyapaipe Indian Reservation Wind Energy Project
- San Diego Gas & Electric proposed electrical shut-off plan
- Other proposed wind energy projects on the desert rim
- Wind and solar energy projects by individuals and businesses

b. It is our belief that all area projects must be evaluated for their cumulative effect on the rural area and the adjacent communities.

6. Disproportional burden on small rural population

a. There are 3.2 million people living in San Diego County, but only approximately 10,000 people live in the rural East County area.

b. It is easy for city residents to say that electrical generators should be placed in rural areas because it will have no effect on their properties. At the same time, the effect on the rural landowner can be severe.

c. Basic engineering principles have always dictated that energy is best generated near its destination. There are technologies currently available that will allow the energy for the larger San Diego population to be developed nearer the population also eliminating the need for transmission lines.

d. These technologies involve solar panels for electricity and solar water heaters that could be installed on rooftops and other area directly adjacent to the large consuming population. This approach is more fully described in the San Diego Smart Energy 2020 Plan developed by Bill Powers. For information go to: www.sdsmartenergy.org.

e. While we understand that 3.2 million people do have energy needs, the rural population of approximately 10,000 has much reduced energy needs and, in most cases, have the land to install sufficient renewable power generation equipment which could make them self-sufficient.

f. The County of San Diego has recently signed on to the California First financing program which will enable local residents to finance their own renewable power system for the first time. This will open a whole new vista for individuals to install their own power system and thereby eliminate the future need for remote power sources such as the wind turbines.

Please include our comments and suggestions in your evaluation and report. Should you need additional information, we would be happy to meet with you at a mutually convenient time.

Respectfully submitted,

Dennis Berglund

Connie Berglund

Irene Timpa

Note:

The comment letter from Hali Carlson was redacted from Appendix G of the Scoping Report, which consists of a compilation of comment letters received during public scoping. The comment letter has no relevance to the project's environmental review and the redaction was requested by the commenter; therefore, the letter has been removed from Appendix G, Volume 2.



**CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC)/
BUREAU OF LAND MANAGEMENT (BLM)**



**Joint Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
for East County Substation, Tule Wind, and
Energia Sierra Juarez Gen-tie Projects**

Written Comment Form

(please print)

Wednesday, January 27, 2010

Name*: Brit Coupens
Affiliation (if any)*: INVenergy
Address*: 3955 5th Avenue, Suite 205
City, State, Zip Code*: San Diego, CA 92103
Telephone Number*: (858) 531-9419
Email*: bcoupens@invenergyllc.com

As the state of California struggles to reach its mandated renewable energy goals, it is important to keep in mind that large projects which add considerable megawatts of electricity are required to achieve the stated levels. Certainly, roof top solar is a desirable and necessary addition to the renewable energy mix, however it is not as easily deployable and presents a much costlier alternative to wind, a cost competitive abundant resource.

Another important point to bear in mind is that wind farms require no water for ongoing operations. In water deficient Southern California, wind represents an attractive alternative all other energy forms, especially the significant water usage by natural gas drilling along the Colorado River Basin in western Colorado and the uranium mining in Eastern Utah.

I urge the Commission and the BLM to support permitting of SDG&E's proposed ECD Substation, related upgrades and connected renewable energy projects.

* Please print. Your name, address, and comments become public information and may be released to interested parties if requested.

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments can also be faxed or emailed.

(See reverse for additional information)

From: Sherie Hubble [mailto:shubble59@gmail.com]
Sent: Friday, February 12, 2010 1:50 AM
To: ECOSUB
Subject: Re:Decision to approve desert construction for renewable power plants.

Hi,

I just learned that I have until Feb. 15th to express my opinion to the CPUC in making this extremely sensitive decision.

First of all, I believe that when major developments on public lands are being considered there should be a period of at least 6 months where the public is notified in major newspapers and public hearings are held on this issue. As a member of the public, I think I have the right to be informed of such major developments on public lands and in a very public manner. We can't keep hiding these issues behind a veil until it's too late for the public to have a chance to express their opinions and observations.

Regarding these developments, I think it should be taken into consideration the fact that there are areas that have been disturbed and are not in sensitive, endangered environments and should be considered first and foremost before developing land that will never really be 'mitigatable'. Regardless of the 'convenience' of being attached to the Sunrise Powerlink whose construction and necessity is extremely in question, these projects need to be considered in a different light. Building more piecemeal and closer to the source of the needed energy would create a safer and more flexible power system that would not be as vulnerable to attack or destruction from natural causes due to not "having your eggs all in one basket".

San Diego County is blessed with one of the largest population of endangered and threatened species, even in the desert, believe it or not. San Diego's biodiversity must be protected. There are ways to take advantage of renewable energy resources without building major construction sites in unblemished lands that harbor a wide representation of endangered, threatened and sensitive species.

The development in our county has been handled irresponsibly, in part due to our being in a desert environment and having very limited water resources, which we are now learning about the result of such fallacy. Also, because we have not taken into consideration our unique environment that harbors such a large diversity of plants and animals, from coastal sage, to foothills, mountains and deserts, all of these areas are under constant threat of destruction by irresponsible construction. And we all know mitigation is a joke. We can mitigate the mitigated that was mitigated before and this can go on to infinity and until there are no wildlands left.

In closing, I request that you extend the public comment period so more of the "public" can be involved in the decision making regarding our "public lands". And also request that you email me back to let me know my comment has been added to the list.

Thank you for your consideration of my views,

Sincerely, Sherie L Hubble
3675 Emmanuel Way
Alpine, CA 91901

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To whom it might Concern.

My name is Mike Troy and I live south of the current Boulevard substation. I would like to express my concerns over the new plans which will effect my property if the substation comes South any and also with purposed routing of poles and high voltage. Of course I moved to Boulevard 27 years + ago to get away from city blight and now my only view left is going to hold high voltage wires and might cause health issues with my young daughter who is 11.

I would think you could rout the poles on old highway 80-which would allow for the up grade of the old wood poles to new metal poles and could in effect solve 2 problems at the same time-replace the old poles and go in a direction were power already is.

This is also a shorter route-overall less expensive cost to SDG&E.

Another suggestion is to place this in the city were there is already high voltage power lines and already effecting views which is NO were as beautiful as mine is.

This is an environmental injustice to put in my backyard (literally) when you have avoided Julian because Boulevard residents are poorer economically and not a tourist stop.

I'm sorry but SDG&E is 100% not trust worthy-they have lied to me from the beginning and still are. They started out saying let me on your property or we will take you to court-when I asked what it was about they said no there are no poles but we need to go on your property. Of course once I read about sunrise highway project they changed there tune and said we might be running power thru your property and you have no choice but to let us do the testing re "immanent domain law". I have let them on my property each time.

The last time SDG&E mentioned the poles might go along the "east" existing road (old road to Jewell valley)-and than put some seismic sensors in the existing seasonal creek which is quite a ways away from the existing road -which if the poles are going to come close to my existing house I would be forced to move re health considerations of the "EMF" generated from hi voltage power poles.

Please take this into consideration

Mike Troy
Po box 1347
1991 flying cloud place
Boulevard Ca. 91905

From: Luke Gordon [mailto:Skydanzer@Comcast.net]
Sent: Monday, February 15, 2010 6:33 PM
To: ECOSUB
Subject: Follow-up to response to proposed SDGE East County Substation and Transmission Line Project

To whom it may concern:
I have already submitted this prior to the dead line.
On this draft I included my address and phone number in case there is need to contact me.
Thanks for your consideration,
Yours truly,
Luke Gordon

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Feb. 12. 2010

Iain Fisher
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

RE: Response to NOP for Proposed SDGE East County Substation and Transmission Line Project

Dear CPUC Staff and Dudek,

I am the owner of record of the parcel no. 659 030 04 00 and 612-120-53-00 or the property commonly known as 1585 Jewel Valley Rd. I purchased this property in 1994 in order to make it available to a religious community that I am a member of. Our organization is called the New Being Project. We are a 501(c)3 non-profit recognized as a church by the IRS.

I have served as proxy owner of the property while the community has organized itself to take ownership of the property. In 2005 I transferred an adjacent property to the community's newly formed non-profit, Rasayana. We currently have an active contract for sale by which Rasayana will take legal ownership of the above referenced parcel after completing the term of its mortgage which I hold in my name. The community uses 3 adjacent parcels which effectively give it 160 acres for its use. Our community uses the property as a retreat residence for church members and also for farming and animal husbandry activities as permitted by its S92 zoning designation. We purchased the property primarily for its secluded, rural atmosphere and to grow food for our community. We serve the local community by offering free classes and free food offerings.

Specifically, my concerns are as follows:

1. Agricultural Resources: We are farming on the land. Where the towers and lines run this will restrict the acreage available for farming. This will result in loss of future income and the loss of being able to grow our own food, which is one of the reasons we bought the property.
2. Visual/Aesthetics: I bought this property for their and my use. I bought the property, and they rent it from me, for its natural beauty and seclusion. I would have never have even considered buying the property if I knew that the power lines and tower would be put on my property. As a matter of fact, I would sell my property and I am sure Rasayana would sell their property, except for the fact that with the money I have invested in the property I would never recoup on a sale. The power lines and towers would make the property virtually worthless, since the primary value of the property is in its natural beauty and seclusion.
3. Population and Housing: I am also concerned that with this high voltage line that more development may occur in the area. With more future possible development then there

would be more people, traffic and noise in the area. One of the reasons that I bought the property was because it is on a dead-end, unpaved road in a secluded rural area.

4. Electromagnetic Radiation: My friends and I are very sensitive to EMF from high power lines. I know that some of my friends will not come out to the property with a high voltage power line running through it whether it actually causes harm or not.

5. Hazardous Substances, Hydrology and Water Quality: I am also concerned about how ground water contamination could affect the wells that supply us with potable water and contamination of the food we grow.

In conclusion, I am VERY concerned about entering on my property for testing, for later construction. and ultimately for the operation of a permanent high power transmission line and towers on my land. My preference would be to:

- 1st to move the transmission line around my property and out of sight so it does not destroy the natural beauty of the property and the other deleterious effects mentioned above.
- 2nd possibility which would be objectionable, but better than the proposed plan, would be to bury the line along the proposed alignment rather than put it above ground on towers.

Also, please refer to the letter written by William Vandivere, P.E. President/Director, Rasayana for a more detailed account of the issues I mentioned above.

Yours truly,

Luke Gordon
3773 Cherry Creek N. Dr. 801
Denver, CO 80209
303.331.4548

From: Chris Lawrick [mailto:blvdclark@yahoo.com]
Sent: Sunday, February 14, 2010 9:31 AM
To: ECOSUB
Cc: ecatmike@yahoo.com
Subject: tule wind

Please reject the tule wind project in its entirety. This massive monstrosity should be installed along the coast line where the population center needs the power. This will limit the power loss of long transmission lines and reduce its environmental footprint since there would be no need to clear paths for power lines into sensitive areas. The infrastructure for transmission are already in place along the coast the only problem that i see would be that the phony environmentalist would protest their views being obstructed.

Chris Lawrick
2394 Tierra heights road
Boulevard Ca 91905 619 672 0567

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From: THEMIGHTYQ [mailto:themightyq@inbox.com]
Sent: Sunday, February 14, 2010 9:27 PM
To: ECOSUB
Subject: !5500 Acres of windmills! Miles if huge powerlines accross the forrest.

Please do something positive to add to the world. Don't destroy it.

FREE 3D MARINE AQUARIUM SCREENSAVER - Watch dolphins, sharks & orcas on your desktop!
Check it out at <http://www.inbox.com/marineaquarium>

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From: Billie Jo Jannen
P.O. Box 443
Campo, CA 91906
(619) 415-6298

Feb. 15, 2010

To: Iain Fisher
California Public Utilities Commission
605 Third Street
Encinitas, CA 92024

BLM California Desert District Office,
Attn: Greg Thomsen
22835 Calle San Juan de Los Lagos
Moreno Valley, California 92553-9046

Subject: Scoping comments for Joint EIR/EIS for East County Substation, Tule Wind, and Energia Sierra Juarez Gen-tie Projects

Dear Sirs:

In my role as former editor of two local newspapers, current member of Rural Economic Action League, and appointee of San Diego County Board of Supervisors to the county's Comprehensive Economic Development Strategy Committee, I have long taken a vigorous interest in regional economic and development issues. My comments below are a reflection of these interests and are not intended to be an official communication on behalf of any of the above.

I have real concerns about this series of projects, which not only keeps control and production of a vital resource in the hands of a mere few, but uses taxpayer and ratepayer dollars to do it. I feel that the social and economic review, to date, of less monopolistic options has been inadequate and this inadequacy benefits only the companies who profit from this use of taxpayer and ratepayer dollars. At the same time, the impacts to working families and the tax and rate paying public are largely ignored.

Therefore, I ask that a thorough and complete review of the short and long term impacts, costs and benefits be done **comparing this cluster of projects to smaller scale distributed generation alternatives, especially widespread rooftop solar**, over the region intended to be served by the projects. This **analysis should be projected to cover at least 20 years** and include, but not be limited to, the following:

1. **The full long term monetary cost to taxpayers and ratepayers for each approach, weighed against the savings and/or profit that ratepayers and taxpayers realize by producing a share of the region's electric needs.** This should include the cost of servicing the state and federal debt that accrues from these projects via taxpayer funded grants and loans, tax credits, and lost revenue from corporate tax deductions and credits, added to the anticipated rise in electric rates and surcharges to help pay off these companies' increased costs of doing business.

2. **The full number and economic value of local jobs for design, retail sales, marketing, construction, maintenance and all other related jobs that would be generated by small-scale in-basin distributed generation, should be weighed against the local jobs that would be created by the proposed industrial project cluster.** Jobs for people imported from out-of-area should be counted as a negative, as this reduces the net gain to the region's workers.

3. San Diego County and other counties that would be served by these projects have initiated a strong effort to get rooftop solar onto as many homes as possible. They should be consulted as part of these studies, as should solar industry experts and contractors, to help **determine the amount of electricity and the type and number of jobs that would be created if public support went into this effort instead of industrial wind turbines.**

4. The first of the backcountry's proposed wind projects was shut down for several months, due to the impacts of a single storm and, more recently, a Connecticut natural gas plant similar to the one proposed here, blew up dramatically. **Potential vulnerability to deliberate destruction, acts of nature, and general breakdown will clearly have a direct impact on the public's cost for power generation.** So will the cost of maintenance and replacement of worn/damaged parts. This needs to be realistically quantified, based on both cost and full risk assessment, in light of the public monies that are going to be expended.

5. The value loss to property and business owners who are forced, via eminent domain or easement, to host industrial scale electric lines, or are otherwise impacted by **industrial-scale electric projects, should be weighed against the total property value benefit of owning home generation infrastructure.** This analysis should also consider loss and gain of property tax revenue accruing to local governments.

Federal Sole Source Aquifer and property value impacts

I am also concerned about the impacts to local property values in the case of harm to local groundwater. A property that has no water source is worth little to anyone. For this reason, the entire backcountry region sits on a **Federally declared Sole Source Aquifer**. It is my understanding that federal dollars cannot be spent on projects that have even the potential to harm groundwater.

Loss of groundwater use is 100 percent immitigable, unless the energy giants want to build a pipeline to all impacted communities and negotiate for a share of Colorado River water on our behalf. It has been clearly stated on multiple occasions by state and local water authorities that **water will never be imported to this region**.

It is my understanding that the environmental review for Sunrise Powerlink was allowed to slip by without an appropriate assessment of its water usage and impacts. This negligence cannot be allowed to happen again.

Consequently, **I ask that this EIR/EIS determine with certainty whether these projects are legally entitled - in view of the Sole Source Aquifer protections - to the many Federal financial benefits that they are using to construct these massive projects.**

Cumulative impacts with Sunrise Powerlink

These costs and impacts should be viewed in light of cumulative impacts with Sunrise Powerlink. They are part and parcel of the complete economic and environmental package, the costs of which will be borne by taxpayers and ratepayers.

Sincerely



Billie Jo Jannen

CC list:

District 2 Supervisor Dianne Jacob
Larry Johnson, Rural Economic Action League
Congressman Duncan Hunter
Assemblyman Joel Anderson
Christy Scott, Editor, *The Alpine Sun*

From: Sunny Jones [mailto:blvrdjones@gmail.com]
Sent: Monday, February 15, 2010 11:10 PM
To: ECOSUB; catulewind@blm.gov
Subject: Tule Wind Project

To whom it may concern,

My name is Michael Jones. I reside at 2362 Tierra Height Road, Boulevard-Yes Boulevard California. My Phone # is 619-442-9706.

I am actually a resident of Boulevard not from some outside area where their opinions have no impact on themselves or families.

I moved up here in 1982 because of its rural appeal. I enjoy the stars, migratory waterfowl, including Canadian Geese & ducks, this peaceful area with nice views and McCains Valley.

Before 1982 I started riding motorcycles, hiking and hunting the McCains Valley area including camping there. The memories from this scenic-sacred area are priceless to me. Over the years our recreation area there has been cut. The justification back then was to preserve the natural state of this area for Big Horn Sheep, etc.

This seemed reasonable for conservation efforts so myself and a lot of other off-roaders, hunters, hikers went along with this decision. After all, it was to preserve the natural beauty and for the endangered animals. I have never complained about much but this attempted obnoxious over sized project has gotten me upset. There's nothing really I can say about the windmills put up on the Campo reservation although it has ruined my view out of the back side of my house.

At night, on any given night the white blinking strobes illuminate my house. I had to cover my skylight so that the flash would not wake me or keep me awake. I have concerns other than the blight they will create.

Everyone is in an incredible rush to push this ridiculous project through for financial gain from stimulus monies and personal gain. Everyone says that it needs to be put somewhere so let me propose, if they are so necessary, lets put these foreign built and owned, so safe, with no blight windmills on California's coast. We have transmission lines right there.

These monstrosities are not safe for the Boulevard area because of wind gusts, earthquakes, lightening, etc., they are not engineered or tested for these conditions.

RPS standards mandate 20% by 2010 but I can tell you that the windmills on the Campo reservation are almost always off. I would estimate that they run less than 10% of the time. I know they were available to go online, so I'm told, 90% of the time. So, What this tells me is that SDG&E already meets its 20% quota or these windmills would be producing electricity instead of sitting idle.

There are 10 more years until Arnold's S-14-08 is supposed to be at target of 33% renewable. Arnold will never be Governor again and this might not be in effect after the next Governor's term.

Even so there are so many technologies available and becoming available, Nuclear, solar, wind in unoccupied areas(although this will be outdated soon), fusion and hydro-electric.

Slow down this rushed process, lets consider sacred burial grounds, endangered species, dust from new roads, water, migratory birds, more noise from the props, scenic corridors that can never be restored and fires, the take over of a national treasure, McCains Valley.

I don't believe hunters, hikers, off-roaders, and homeowners can co-exist with the Tule Wind Project and others planned for this area. They must be stopped!

Thank you for listening,
Michael & Sunny Jones

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February 15, 2010

**To: Iain Fisher
California Public Utilities Commission
605 Third Street
Encinitas, CA 92024**

**BLM California Desert District Office,
Attn: Greg Thomsen
22835 Calle San Juan de Los Lagos
Moreno Valley, California 92553-9046**

**Thomas Zale
BLM Project Manager
Bureau of Land Management
El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243**

Dear Sirs:

**Subject: Scoping comments for Joint EIR/EIS for East County Substation, Tule
Wind, and Energia Sierra Juarez Gen-tie Projects**

I have real concerns about this series of projects, which not only keeps control and production of a vital resource in the hands of a mere few, but uses taxpayer and ratepayer dollars to do it. I believe that the social and economic review, to date, of less monopolistic options has been inadequate and this inadequacy benefits only the companies who profit from this use of taxpayer and ratepayer dollars. At the same time, the impacts to working families and the tax and rate paying public are largely ignored.

Those concerns are:

- 1. The full long term monetary cost to taxpayers and ratepayers for each approach, weighed against the savings and/or profit that ratepayers and taxpayers realize by producing a share of the region's electric needs.**
- 2. The full number and economic value of local jobs for design, retail sales, marketing, construction, maintenance and all other related jobs that would be generated by small-scale in-basin distributed generation, should be weighed against the local jobs that would be created by the proposed industrial project cluster.**

3. Determine the amount of electricity and the type and number of jobs that would be created if public support went into the effort of rooftop solar onto as many homes as possible instead of industrial wind turbines.

4. The Campo Tribe wind projects has been shut down for several months, due to the impacts of a single rainstorm this year. Lightening has been eliminated as the cause. A civilian witness to the spontaneous explosion with arching has been located and he has shared his information. Apparently, SDGE had turned off the electricity for a few hours that day also. Was this a surge when they turned the electricity back on? The engineers on this project continue to be unable to get the turbines back on line. As I look out of my window, they continue to stand motionless. Fortunately, it was raining when these turbines exploded. An explosion during a summer wind storm would spell disaster.

5. Loss of groundwater use is 100 percent unmitigable, unless the energy companys build a pipeline to all impacted communities and negotiate for a share of Colorado River water on our behalf. It has been clearly stated on multiple occasions by state and local water authorities that water will never be imported to this region.

I ask that this EIR/EIS determine with certainty whether these projects are legally entitled - in view of the Federal Sole Source Aquifer protections - to the many Federal financial benefits that they are using to construct these massive projects.

In basin solar is the solution for future needs for energy. Wind turbines are high-impact to everyone visually, health-wise, extensive land use needed, restrict fire-fighting abilities to communities and national security needs of the Border Patrol helicopters. Solar is not high impact. With an alternative so readily available that would serve the same goal but NOT negatively impact so many lives, why then would you approve these projects?

If these projects are approved, the northern section of the community of Boulevard will be sandwiched in with wind turbines just to the west of their houses and just to the east of their houses. The Scoping process for these projects did not include the proposed 5 commercial wind turbines on private land just to the west of the Tule Wind project that will be virtually in-line with that project.

Mitigation to the community of Boulevard must be considered if these wrong-way projects are approved. The electricity for an entire region will go THROUGH our community, but will be stopped TO our community by SDGE during “wind events”. Mitigations items required for the community at a minimum are:

- **Trash Transfer** Station in Boulevard at the “old” County station. Enter into at least a 50-year contract with the County to offer this service at a discounted price to residents of Boulevard.

- **New Fire Station:** Purchase land and build new 6-bay station and equip it with equipment identified by the County Fire Authority. Solar powered.
- **Ambulance Service:** Purchase one new ambulance and pay for personnel.
- **Life Flight:** Build a helicopter landing site at the new fire station.
- **Community Center/Senior Nutrition/Disaster-Red Cross Care Response Center:** Purchase a minimum of 20 acres and build a state of the art community center with a commercial grade kitchen. There would be indoor and outdoor audio/video equipment and an appropriately sized silent-running generator to run the entire building. Additionally, a complete state of the art ham radio system would be funded.
- **Community County Park:** Purchase a minimum of 20 acres and install indoor/outdoor playground equipment/equine park/enclosed swimming pool/cabanas/four public bathrooms to San Diego County Park standards. In addition to recreation, the pool would be used for physical therapy. Provide funding for needed personnel.
- **Library:** After building the new Fire Station on another site, demolish the current building now being used by the Boulevard Fire Department and build a new state of the art library with a separate media wing housing the 20 computers and all equipment that you would donate. Provide funding for needed personnel.
- **Clover Flat Elementary School:** Build a new school, eliminating modulars, provide artificial turf for all playing fields.
- **New Sheriff's Administration Headquarters:** Purchase land and build a new administration headquarters to San Diego County standards that would service the east county. Provide funding for 24/7 coverage for Boulevard.
- **Post Office:** Pave parking lot to Old Highway 8 and build erosion control for heavy rains.
- **Transportation:** Purchase and donate a Van with wheelchair access and provide personnel and all satellite needs for this vehicle. Create transportation for Youth and Seniors in a loop (Jacumba to Campo to Buckman Springs to Pine Valley to Descanso). This would get kids to the library during the summer and seniors to the medical facilities in the area for appointments. Provide funding for needed personnel, fuel and maintenance, insurance.
- **DSL Service:** Install DSL for all of Boulevard. Jacumba currently has DSL for all homeowners.

Regards,

**Cheryl Lenz
2040 Ross Avenue
Boulevard, CA 91905**

From: Christopher Noland [mailto:sdrockguy@hotmail.com]
Sent: Monday, February 15, 2010 10:35 PM
To: catulewind@blm.gov; ECOSUB
Subject: Comments - Energia Sierra Juarez, ECOSUB, and Tule Wind

To whom it should concern:

We are residents, business owners, and parents of children who live in Boulevard and recently attended the open hearings regarding the environmental impact for several projects currently planned for the rural East County area. These are:

- SDG&E ECO Substation
- Energia Sierra Juarez (ESJ) Gen-Tie Project
- Iberdrola Renewables 200MW Tule Wind Project

In addition to these projects, there are other projects in the rural East County that are also planned and are of a similar nature. These are:

- Campo Reservation Wind Energy Project
- Cuyapaipe Indian Reservation Wind Energy Project
- Other proposed wind energy projects on the desert rim
- Wind and solar energy projects by individuals and businesses

We are very concerned that the quantity and type of projects being planned for the rural East County will have an overall negative effect if all aspects of each project are not analyzed properly and if all projects are not considered in their total effect on the region. The following are our comments regarding areas we feel should be investigated while the CPUC and BLM evaluations are under way including SEQA and NEPA reviews.

Summary

1. The past record of the CPUC regarding approval of the Sunrise Powerlink even though the administrative staff stated that the project was not needed causes concerns that the technical review and the residents' comments will have no bearing on the CPUC decisions.
2. Renewable energy technology is moving very rapidly and the construction today may be quickly outdated and the investments lost.
3. The United States energy distribution grid currently has no convenient or cost effective method of energy storage; therefore, most all energy must be produced only when needed by the consumer.
4. The recent past history of existing wind mills installed on the Campo Indian Reservation shows that these large, imposing machines are vulnerable to damage by natural forces of weather.
5. So many projects at one time within a rural population area will likely have a huge cumulative impact. All projects must be examined at the same time to evaluate these impacts.
6. The rural population of 10,000 is only a small portion of the 3.2 million residents of San Diego County, but all of these impacts will only affect these rural residents. The pristine natural environment of the rural East County must be protected although there are far fewer voters living here.
7. Recent revelations of falsification of climate data

Detailed Discussion

1. The past record of the CPUC decisions.
 - a. Just last year the CPUC voted to approve the Sunrise Powerlink even though two administrative law judges stated in their reports that the Powerlink was not needed now or in the future.
 - b. The CPUC approved SEMPRA energy to use a snake-like powerline path that has not been properly investigated since SEMPRA really wanted to put the power line in the desert. The alternatives were never properly investigated but this made no difference to four of the five CPUC commissioners.
 - c. The CPUC chose this alternative although this alternative was the fourth best alternative according to CPUC staff research. Therefore, the CPUC ignored better alternatives without regard to the science or the concerns and recommendations of the residents.
 - d. We are concerned that, while you are conducting what may be a thorough examination of all these projects, in the end the CPUC will disregard all your research and vote in a way that benefits the energy companies involved in these projects.
 - e. CPUC commissioners appointed by a Governor are in no way considered the voice of the people.
2. Renewable energy technology is moving rapidly.
 - a. In the past, renewable energy technology had moved slowly because there was no apparent large market for renewable energy usage. Today, the situation has changed since, both for cost effectiveness and foreign policy reasons, renewable energy has become very important to our nation.
 - b. We are just at the beginning of emerging technologies such as improved solar panels and new areas such as algae production for fuel sources. You can see new emerging technologies almost every day now that there is an apparent market and development money is available to pursue these new technologies.
 - c. Wind power has been used in the past to develop electrical energy, but the advancements in wind power are not occurring at the rate of new technologies which appear to promise even greater efficiencies in the future.
 - d. The installation of wind generators, while they appear to be a good investment at this time, may be a very poor investment as new technologies replace the use of wind with our most readily energy source, the sun.
 - e. As part of the evaluation of the installation of wind generators in the rural East County, consideration must be given to the future availability of other sources that will be better for our environment over time.
 - f. Examples of such technologies are:
 - o Development of CIGS solar panels which promise greater efficiency.
 - o MIT development of hydrogen-oxygen storage systems that promise a cost-effective locally installed energy storage system.
 - o Vertical axis wind turbines that are quiet, efficient, and do not harm birds.

- Algae farming that would produce promising biofuels while being able to be farmed in a similar manner to crops.
- High temperature super conductors that promise more efficient electrical transmission capability, can be easily installed underground, eliminating the need for obsolete transmission towers.

3. No convenient method of energy storage

- a. While the U.S. has been rushing to install wind generation as the solution for our electrical power problems, the fact that we have no convenient or efficient energy storage system has been neglected.
- b. While energy can be generated by wind when it is blowing, and solar during sunlight hours, there are no good ways to store excess energy. Therefore, the energy must be generated only when it's needed to be consumed.
- c. There have been some large scale energy storage solutions which have involved pumping water uphill when the energy is available and allowing it to flow downhill through generators when power is needed, in the same manner as an electricity generating dam, but these storage solutions are not generally available on the U.S. electrical distribution grid.
- d. While there is research in new ways of electrical storage, there are currently no viable storage methods, meaning that wind generators will only run when power is required. You have probably seen fields of wind generators where most generators are not functioning. This is largely due to the fact that the excess electrical power is not required at that time and, therefore, the wind generators must sit idle.

4. The recent history of Campo Reservation wind generators

- a. Several years ago, 25 2MW wind generators were installed on the Campo Indian Reservation and situated along the Tecate Divide. We have no factual data indicating the yearly power output, but we have noticed that there are many times when only a few of those generators are turning.
- b. We have been told by wind generator manufacturers that the overall efficiency of any typical wind generator is about 30 percent. This means that a 2MW wind generator is actually a .6MW electrical producer over time. If we are going to sacrifice the pristine rural mountains, we believe we should receive a greater output than 30 percent efficiency. Other, more benign, energy generators will yield greater efficiency.
- c. Recently, high winds and weather have caused damage to all 25 of the Campo wind generators. We were initially told that the problem was caused by lightning, although no residents saw lightning. We were later told that the damage was caused by high winds. This is unusual because the winds experienced during that time were not as high as has been experienced in previous years. Investigation may reveal that this region may not be the best for installing this type of wind generator due to the nature of erratic winds.

- d. We understand that the Campo Reservation is planning for the installation of 25 or more new wind turbines. This information should be included in your evaluation of all current projects.
- e. We are concerned that the wind generator market is being driven by the huge tax incentives available to wind generator installations rather than the profit that could be realized through the sale of the electricity. This means to us that the investors are more interested in completing the installation of any wind turbines, rather than being interested in the long term profitability of electricity generation. If the investors are primarily interested in the tax incentives, there will be limited future incentives to keep these huge wind turbines operational as new and better electrical generation technologies become available

5. Cumulative impact of so many energy projects at one time in the rural area

- a. Your documentation lists several projects on both sides of the Mexico-California border that are being evaluated at the same time. Your documentation, however, does not mention the many other proposed projects in the same area of the same or similar type. As an example, there are projects such as:

- Campo Reservation Wind Energy Project
- Sunrise Powerlink
- Cuyapaipe Indian Reservation Wind Energy Project
- San Diego Gas & Electric proposed electrical shut-off plan
- Other proposed wind energy projects on the desert rim
- Wind and solar energy projects by individuals and businesses

- a. It is our belief that all area projects must be evaluated for their cumulative effect on the rural area and the adjacent communities.

6. Disproportional burden on small rural population

- a. There are 3.2 million people living in San Diego County, but only approximately 10,000 people live in the rural East County area.
- b. It is easy for city residents to say that electrical generators should be placed in rural areas because it will have no effect on their properties. At the same time, the effect on the rural landowner can be severe.
- c. Basic engineering principles have always dictated that energy is best generated near its destination. There are technologies currently available that will allow the energy for the larger San Diego population to be developed nearer the population also eliminating the need for transmission lines.
- d. These technologies involve solar panels for electricity and solar water heaters that could be installed on rooftops and other area directly adjacent to the large consuming population. This approach is more fully described in the San Diego Smart Energy 2020 Plan developed by Bill Powers. For information go to: www.sdsmartenergy.org.
- e. While we understand that 3.2 million people do have energy needs, the rural population of approximately 10,000 has much reduced energy needs and, in most cases, have the land to install sufficient

renewable power generation equipment which could make them self-sufficient.

- f. The County of San Diego has recently signed on to the California First financing program which will enable local residents to finance their own renewable power system for the first time. This will open a whole new vista for individuals to install their own power system and thereby eliminate the future need for remote power sources such as the wind turbines.

7. Recent concerns over falsifying of climate data:

Recent events have uncovered the manipulation of climate data that may or may not be true. It is imperative to not only California, but the world to know if the re-evaluation of climate data may make the "Green" movement obsolete. So much legislation is passed based on this climate data which has been compromised. This should also be taken into account when writing the EIS and basing opinions or sections on world climate data.

I thank you for taking all of these items into consideration during preparation of the EIS.

Sincerely,

Chris and Christina Noland
 39524 Jewel Valley Court
 Boulevard, CA 91905

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Comments for East County Substation, Tule Wind, and Energia Sierra Juarez Gen-tie Projects



M. Ostrander

Jacumba Resident

I am writing a formal response to the SDG&E East County Substation, Pacific Wind Development, Tule Wind, and Energia Sierra Juarez LLC, and Energia Sierra Juarez Gen-Tie Projects. I am opposed to the projects based on the attached reasons.

Comments for East County Substation, Tule Wind, and Energia
Sierra Juarez Gen-tie Projects by M. Ostrander, Jacumba resident

<u>Environmental Issue Area</u>	<u>Potential Issues or Impacts</u>	<u>Comments</u>
Aesthetics	<p>Visual Contrast, Industrial character, view blockage, and skyling resulting from the placement of the project structures.</p> <p>Nighttime construction lighting would be used during project construction and the proposed substations would include operational nighttime security lighting that could affect the nighttime view.</p>	<p>There is no mention of potential impacts of wind turbines which would create visual contrasts to the existing view scapes and skyline.</p> <p>Will wind turbines have FAA lighting white and red? The night time lighting may affect the area's dark skies application and could potentially effect the community's potential economy.</p>
Air Quality		<p>The document does not address Green House Gasses (GHG) as mandate in AB32 and SB97. The project should address GHG from cradle to grave eg, Manufacture, transportation, construction, maintenance, and removal of all structures, appliances, wires, and components associated with the project.</p>
Biological Resources	<p>Project construction activities would result in temporary and permanent loss of native wildlife habitat.</p> <p>Loss of Habitat for sensitive species designated by State and Federal resource agencies.</p> <p>Construction and operation of the proposed project could disturb wildlife and cause changes in wildlife behavior.</p>	<p>This could potentially have a devastating effect on already stressed endangered species such as, Big Horn Sheep, Arroyo Toad, Golden Eagles, and the Quino Checker Butterfly. If there is no guarantee that impacts could be prevented this could mean possible eradication of some species in the area.</p>

Comments for East County Substation, Tule Wind, and Energia
Sierra Juarez Gen-tie Projects by M. Ostrander, Jacumba resident

<u>Environmental Issue Area</u>	<u>Potential Issues or Impacts</u>	<u>Comments</u>
Biological Continued	<p>Conflict with State or local policies or ordinances protecting biological resources.</p>	<p>The document does not address wind turbines and the effects on species.</p>
	<p>Overhead transmission lines could cause bird electrocution and collision.</p>	<p>The document does not address plant species.</p>
Cultural and Paleontological Resources	<p>Construction of new towers and access roads could damage or destroy historic and archaeological sites, traditional cultural properties, or areas containing paleontological resources.</p>	<p>This could cause violations to the Migratory Bird Treaty Act.</p>
		<p>There are numerous sites located along McCain Valley Road. Looked at individually are less significant, but looked at as a whole could be a major site or village site. I personally know of four sites: CA-SDI-4788, CA-SDI-10595, CA-SDI-10596, and CA-SDI-10597. The area needs to be thoroughly surveyed. I also know the Bureau of Land Management (BLM) missed a significant site on one of their projects on Shockey Truck Trail in Gloria Canyon located in Campo; it was discovered by another archaeologist not employed by BLM.</p>

Comments for East County Substation, Tule Wind, and Energia
Sierra Juarez Gen-tie Projects by M. Ostrander, Jacumba resident

<u>Environmental Issue Area</u>	<u>Potential Issues or Impacts</u>	<u>Comments</u>
<p>Hazards and Hazardous Materials</p>	<p>Leaking or spilling of petroleum or hydraulic fluids from construction equipment or other vehicles during project construction, operation, or maintenance could contaminate soils, surface waters, or groundwater.</p> <p>Fire Hazard during construction.</p> <p>Wildfires could be caused by the proposed project facilities or could damage project facilities.</p> <p>Improper storage or handling of hazardous materials and/or hazardous wastes during project construction, operations, or maintenance could present hazards to construction workers or the public.</p>	<p>If this cannot be mitigated to no possibility and groundwater is affected, it would impact the community's drinking water. This could potentially create a Health Hazard to residents of the project area that are dependent on groundwater for drinking water.</p> <p>There is no full time fire department in the community. The current fire department is volunteer which currently is uncovered due to lack of volunteers. The closest staffed station 24/7 is 12 miles from the community.</p> <p>There is also the issue of training for firefighters to deal with electrical hazard, substation hazards, electrical fires, and wind turbine hazard and fire.</p>

Comments for East County Substation, Tule Wind, and Energia
Sierra Juarez Gen-tie Projects by M. Ostrander, Jacumba resident

<u>Environmental Issue Area</u>	<u>Potential Issues or Impacts</u>	<u>Comments</u>
Socioeconomics	<p>Employment of construction personnel could be beneficial to regional economy.</p> <p>Potential environmental justice issues associated with locating project in rural area.</p>	<p>Past projects in the area did not bring economic development in the area. The employment opportunities for locals were limited to non-existent and of a short duration. The Back Country has the highest unemployment rate and the lowest annual income per capita in the county. The Back Country Communities depend on tourism for income. The communities are currently working on revitalization which includes developing ecological tourism. The environmental justice issues would have a detrimental impact on the revitalization of these communities.</p>

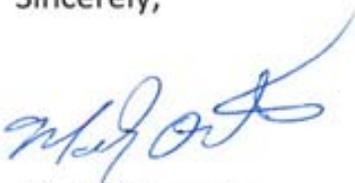
Comments for East County Substation, Tule Wind, and Energia
Sierra Juarez Gen-tie Projects by M. Ostrander, Jacumba resident

In conclusion, I hope you take the comments stated into serious consideration and also look at the cumulative impacts of past projects and proposed projects when determining the total impacts. I also ask that you weigh the potential impacts on groundwater as this could be irreversible on availability of safe, clean drinking water for the communities in the project area as they are dependent solely on groundwater. Lastly, it is my hope that you would look at the socioeconomic impacts on the communities in the project area that are struggling to come back from previous project impacts. We truly are a David fighting a Goliath.

There are better alternatives such as, roof top solar on existing structures situated on already disturbed ground and small wind generation at the same. We are told to move away from creating companies too big to fail and here we are subsidizing with government incentives creating one. Lastly, it is my hope that you analyze the economic stability of the Industrial Wind Turbines minus any government subsidies and programs. Past Industrial Wind Turbine Projects were not economically viable after government programs ran out and the areas were left with non-functioning turbines that were not removed.

Thank you for your consideration of these comments and allowing me to participate in this process.

Sincerely,



Mark Ostrander
Jacumba Resident

From: Donna Tisdale [mailto:tisdale.donna@gmail.com]
Sent: Monday, February 15, 2010 3:43 PM
To: ECOSUB; catulewind@blm.gov; john.rydzik@bia.gov
Subject: ECO Sub, Tule Wind and ESJ scoping comments

Hello,

Please find the attached scoping comment letter for the ECO Substation, Tule Wind, and Energia Sierra Jaurez from the Boulevard Planning Group with 4 attachments.

My apologies that the letter is not better organized. There is just too much going on here and not enough hours or days to properly or thoroughly address each and every detail the way it should be addressed.

I had to send these comments with my backup e-mail due to problems with my Hughesnet service.

Please confirm that these comments were received in timely manner.

Sincerely,

Donna Tisdale, Chair
Boulevard Planning Group
PO Box 1272
Boulevard, CA 91905

691-766-4170

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BOULEVARD PLANNING GROUP

PO BOX 1272, BOULEVARD, CA 91905

California Public Utilities Commission

February 15, 2010

Attn: Iian Fisher

c/o Dudek

605 Third Street

Encinitas, CA 92024

BLM California Desert District Office

Attn: Greg Thomsen

22835 Calle San Juan de Los Lagos

Moreno Valley, CA 92553-9046

Bureau of Indian Affairs

Attn: John Rydzik

2800 Cottage Way

Sacramento, CA

VIA E-MAIL: ecosub@dudek.com, catulewind@blm.gov & john.rydzik@bia.gov

RE: EIR/EIS SCOPING FOR ECO SUBSTATION, TULE WIND & ENERGIA SIERRA JUAREZ

Dear Mr. Fisher, Mr. Thomsen, and Mr. Rydzik,

These comments are submitted on behalf of the Boulevard Planning Group which is an elected advisory land use group for the County of San Diego and their various departments.

Our group has been actively involved in this and other related energy and transmission projects proposed for and through our planning area since 2004-05 when Pacific Wind (PPM Energy / Iberdrola) received a categorical exemption from the BLM El Centro office for their first MET Towers--which we objected to. We have voted unanimously to oppose each of these projects based on the significant and cumulative negative impacts they represent to the following issues and more:

- rural community character and quality of life
- natural environment, intact habitat and wildlife resources

- surface and groundwater resources (including impacts to the blue Tule Creek and 100 year floodplain and La Posta Creek watershed, groundwater quality and quantity)
- public health and safety (wildfire ignition, noise & vibrations, blade throw and tower collapse, air quality)
- visual, historic, cultural and recreational resources
- property values and insurance rates
- Tourism and recreation based economy (Environmental Justice)

We strongly resist current efforts to transform our quiet rural and natural communities, public wildlands, scenic vistas and recreation resources, into sacrifice areas with whirling blinking groaning and blighted industrial energy zones--especially when better, cheaper, and less destructive alternatives are available, viable, and economically competitive. See Alternatives section pages 29-31.

Please see the list of documents that we have previously submitted on the ECO Substation, Energia Sierra Juarez (ESJ), and the underlying flawed BLM approvals for the Sunrise Powerlink and Eastern San Diego Resource Management Plan which are the subject of several legal challenges. If the legal challenges are successful in overturning the flawed approvals that included downgrades to allow for industrial wind and geothermal energy generation and the new utility corridor for Sunrise Powerlink, the three projects that are subject of this review may no longer be allowed uses. Each document and all issues raised are hereby incorporated by reference.

Our most recent comments on the ECO Substation and ESJ applications are attached along with previous comments on the Eastern San Diego County Resource Management Plan that address our concerns with Tule Wind and other impacts.

Additional Issues of Concern:

On September 9, 2008, The PUC's acting Energy Director, Kenneth Lewis, approved SCE's withdrawal request for their Baja Wind Power Purchase Agreement, stating, "SCE's request in AL 2143-E-C to withdraw the consideration of the Baja Wind power purchase Agreement from AL 2143-E, 2143-E-A and 2143-E-B is approved, effective August 26, 2008." Unless another Power Purchase Agreement has been approved that we are unaware of, this means there is no power purchase in place for Sempra's ESJ project. What impact does this have on the ESJ cross-border project?

Please note the reasonably foreseeable potential for Sempra to construct a new gas-fired power plant in the Jacume, Jacumba border area, to facilitate use of their multi-billion dollar investments in their Energia Costa Azul LNG receipt terminal and existing Gasoducto Baja Norte gas line. See the February 15, 2010 article on the Energia Sierra Juarez project in the High Country News at <http://www.hcn.org/issues/42.3/cross-border-winds>. Please confirm or deny that Sempra's ESJ project will qualify for renewable energy credits for energy produced outside the country. This provides even more incentive for Sempra to construct backup gas-fired power plants in the Jacume project area and should not be allowed. How will State agencies be able to confirm the amount of energy produced in Mexico, and if ESJ is in full compliance with California law as is required?

The photo below (Tisdale 8-27-08) shows the new waterline that was being installed at the time along the old road through El Hongo, just west of the Jacume area and Sempra's ESJ lease area in Baja.



The Gasoducto pipeline map below is from Sempra's website. The ESJ lease area is west of Sempra's Termoelectrica La Rosita gas-fired plant and is located in the area just over the blue box showing the GB Mainline section of the pipeline



No fast tracking for CEQA Litigation Protection Program or ARRA funding

The extent of the significant and cumulative impacts from the current projects under review, related projects, and the public health and safety threats they represent, should preclude any participation in the Governor's fast track selection under the California Environmental Quality Act Litigation Protection Pilot Program and / or the Secretary of Interior's fast track for ARRA funding. We are strongly opposed to any state or federal subsidies, credits, waivers, fast tracks, or other benefits they may otherwise qualify for.

A Formal PUC/BIA investigation is requested into the catastrophic failure at Kumeyaay Wind--before any more turbines are approved or installed here.

As publicly stated at the January 28th PUC/BLM hearing on the project noted above, we are requesting a formal investigation by the PUC and the Bureau of Indian Affairs into the catastrophic failure suffered at the Kumeyaay Wind facility on Campo Kumeyaay Nation lands during the December 7, 2009 storm. The extended loss of generation and increased costs of risk / insurance and bonding should also be investigated and applied to the projects under review. Were shortcuts taken during construction that influenced the apparent electrical failure? Is the turbine design flawed? Do other turbines have the same or different flaws? What is the failure rate for that turbine model and others? Where were the 75 blades, that were removed from the 25 turbines, disposed of and at what cost? It is our understanding that composite turbine blades are difficult to recycle and are generally landfilled. Since the construction of the Kumeyaay Wind facility, blade replacement seems to take place on a very frequent basis. **What is the rate of blade and other turbine component failure and the average production rate of energy for California's existing industrial wind turbines? How much energy do they produce on an average? We have read that they produce an average of only 10-30% of the installed capacity. However, when they are out of service for repeated and extended repairs how does that impact their average production rate and costs? Kumeyaay has been out of service for 70 days as of today.**



January 12, 2010 | Photo by John Gibbins

The photo above from the San Diego Union Tribune shows the removal of the blades from all 25 Kumeyaay wind turbines. The article reported that winds topped 70 mph, causing the extensive damage,

despite the report that the turbines were turned off due to the high winds. A previous article quoted the project manager that a lightning strike caused the damage. That suspected lightning strike was later denied with the damage attributed to 70 mph winds. Local resident, Ken Daubach, witnessed the catastrophic failure event on December 7th as he was creeping along I-8 at 5 mph behind a snow blow. He stated that he saw an electric blue light ball near the center of the row of 25 turbines which then appeared to arc between all of the turbines in both a north and south direction. Nearby residents say there was no lightning present but strong winds were blowing at the time. If this apparent electrical discharge /meltdown event had occurred during a dry wind event, a massive wildfire could have been ignited--in an area with limited emergency services.

It is a matter of public health and safety that both the PUC and the Bureau of Indian Affairs (BIA), who approved the Kumeyaay Wind project, the reconductoring of our only 69 kV distribution line, and SDG&E's Power Purchase Agreement, now investigate what caused the catastrophic failure and the potential for a reoccurrence of a similar event in the future. A full investigation with full disclosure is warranted. It is important to note that the BIA approved this massive project with a Finding of No Significant Impact. There was no EIS. And the PUC originally denied but then approved the project without informing our impacted communities, or the County, that we would be taken off-grid and placed on emergency generators for weeks on end while the single 69kV line was reconductored. That information showed up in the final documents. We suffered through black outs, brown outs and surges. No one we know of who filed a claim for lost equipment received any compensation. As testified to at the January 28th PUC/BLM hearing, there are other problems with Kumeyaay Wind that are felt off-reservation, including noise, vibrations and night time illumination from malfunctioning strobe lighting. See this linked article for more information on witness reports on Kumeyaay Wind's catastrophic failure and photos of leaking oil down the sides and damaged blades: <http://eastcountymagazine.org/taxonomy/term/3045>. Where is the oversight on this federally approved project? Enforceable protections need to be part of any state/federal/local approval process.

Following a catastrophic failure of two Vestas wind turbines on Feb 22 and 23, 2008, the Danish energy agency requested an investigation into the events. A report was produced by engineers at Risø DTU. Below is the report translated into English. A video of one of the failures can be seen here: <http://www.windaction.org/videos/14294> . *It is important to note that the debris from the first turbine failure which occurred on February 22 spread as far as 700 meters (2200 feet) away.* Risø DTU is formerly a government research institution under the Danish Ministry of Science, Technology and Innovation.

Combined recommendations from the Danish report:

- It is recommended that the Consulting Committee for the Secretariat looks at these events soon, and provides guidelines to ensure that the certification of models and projects more precisely shows the required maintenance.
- It is further recommended that requirements for ongoing service and maintenance of wind turbines are very soon considered by the Consulting Committee for the Secretariat. Together with the industry, they should work to ensure that all wind turbines receive the necessary qualified service and maintenance.

Here is a link to the final investigative report: <http://www.windaction.org/documents/21858>

Here is a link to a short 2007 GE Energy document, "Extreme wind speed: risk and mitigation" <http://www.windaction.org/documents/13914>. It explains the risk in the event of extreme wind conditions including hurricane or tornado and any mitigation. *Note, the document acknowledges the risk of blade*

throws and tower collapse. Also note that the proposed project area is subject to extreme wind events, including hurricane and gale force winds and large twisting dust devils which can be hundreds of feet wide and extend several thousand feet high. Local barns and massive oak trees have been damaged by these twisting wind events. Hurricane Kathleen, in the late 70's took out I-8 and the railroad in the Mountain Springs /Ocotillo area. Boulevard was hit hard with torrential rains and high winds.

Local Earthquake history and turbine stability issues:

The San Diego Union Tribune's front page article (2-7-10) reports that industrial wind turbines have never been studied for seismic stabilities. We find this alarming, especially since Tule Wind is proposed for the McCain Valley National Cooperative Land and Wildlife Management Area that is one of the most visited recreational areas in the BLM's Eastern San Diego planning area, with turbines proposed inside the Lark Canyon OHV Park and campground and near Cottonwood Campground--family oriented use areas. The wind turbine that was subjected to the recent test is only 80 feet tall. Here, the turbines will be close to 500 feet tall which represents a potential for increased structural failure and the crashing down of multi-ton nacelles, blades and hundreds of gallons of oil per turbine. See: <http://www.signonsandiego.com/news/2010/feb/07/wind-turbine-getting-seismic-shakedown/>

In February 1892 a 7.8 (or 7.3 depending on which report you read) earthquake occurred with reported ground fissures in McCain Valley and Jewell Valley and rockslides in Mountain Springs, Carrizo and Jewel Valley areas.

Here is Link to USGS page: http://earthquake.usgs.gov/earthquakes/states/events/1892_02_24.php . A more detailed report of ground cracking open in McCain Valley, earth appearing sifted several feet deep in Jewel Valley, and rock slides in Mountain Springs and Jewel Valley, is included at page 103 of Memories of the Early Settlements by Ella McCain (1955). Ella reported that:

" My husband and I were living in McCain Valley at the time, he was plowing to plant grain. In the field where he was plowing, the ground cracked open and the crack remained there for several years. At Jewel Valley, then Church Dome, the ground opened and closed again near where my nephew, Johnny Williams was playing. He ran to the house, told his father and uncle, they dug down to see and the earth looked like it had been sifted for several feet down. Rocks rolled from hillsides. I was visiting in Potrero at the time and I have never felt another quake as severe as that one, in Potereo. It kept shaking four or five days, it was said that there were one hundred sixty two shocks in the next two days..."

The map below from the California Geological survey shows locations of where the 1892 earthquake was reportedly felt, including McCain Valley. This earthquake has reportedly been associated with a 20 foot displacement on the Laguna Salada fault in western Imperial County near where the Imperial Valley Substation is located, near the proposed SES Stirling Solar Two project site at Plaster City, and near the Sunrise Powerlink route. Go to this link to use the interaction feature for the map shown below: http://redirect.conservation.ca.gov/cgs/rghm/quakes/historical/events/18920224_0720/18920224_0720.html



How will the Tule Wind, the Energia Sierra Juarez and the Kumeyaay Wind I (existing) and Kumeyaay Wind II & III (proposed) turbines withstand another quake the size of the 1892 quake or larger? What will be the result in the event of collapse of multiple turbines and related power lines, at the same time, and the release of hundreds to thousands of gallons of oil/fluid onto the ground surface and into the groundwater? What would be the potential for fire in a similar event and how would it be handled?

High cost & low value of electricity from wind

Wind industry officials and lobbyists, who have gained a strong foothold through political action and significant donations, continue to understate the full and true cost of electricity from wind, creating a false "popular wisdom" that is parroted by decision makers without independent research. This linked report from an energy analyst explains the real story behind wind energy's price and how its high cost fails to match the value of the energy produced: <http://www.windaction.org/documents/25496>. The PUC and BLM need to address this reality and the cradle to grave costs that are involved with large-scale remote wind energy projects, including the cost and GHG impacts of backup base load generation, the high cost of frequent turbine maintenance, downtime, and blade replacement, early retirement based on poor performance or failure, full decommissioning, and attempts to re-vegetate arid lands after they have been scarred and denuded.

The June, 2009 report, **Calculating wind power's environmental benefits** includes this excerpt:

"It's commonly believed that new wind power generation will displace coal and natural gas-fueled power plants and thereby avoid all their associated greenhouse gas (GHG) emissions such as carbon dioxide (CO2), nitrous oxide (NOX) and sulfur dioxide (SO2). The benefits of these avoided emissions have become a major factor in wind developers gaining public support for their plans to site wind farms. These purported benefits also are the reason for the large subsidies governments have provided to offset wind's higher power production costs. Unfortunately, some of these environmental claims are built upon incorrect assumptions about how U.S. environmental regulations actually work and the type of generation a new wind project will displace." Here is a link for the full report: <http://www.windaction.org/documents/22493>

Here are some questions that need to be answered:

- What local, state and federal grants, credits, subsidies, waivers, exemptions, reduced fees/costs and other benefits are available to the owners of Tule Wind, ECO Substation and Energia Sierra Juarez?
- What are the dollar amounts of these benefits for each project?
- What is the per acre BLM land cost for Tule Wind?
- What is the cost of BLM Right-of-Way easements for these projects?
- As a foreign owned corporation, is Iberdrola Renewables subject to federal and state taxes or are they exempt?
- Will Sempra be eligible for US /California green tag credits and/or other tax payer and rate payer funded subsidies for wind energy imported from Mexico?
- If applicable, what is the dollar amount of accelerated depreciation that wind farm owners are permitted by the IRS in order to recover the capital costs from their otherwise taxable income, thus shifting these costs to ordinary taxpayers?
- Will these projects be eligible for the "5-year double declining balance accelerated depreciation"?
- What other tax breaks and subsidies will be available for these projects and their owners?
- What amount of money will be owed/paid to the local, state, and/or federal government for the Tule Wind, Energia Sierra Juarez and / or the ECO Substation projects?
- How will these payments off-set the negative impacts and burdens placed on local communities?
- If private land is purchased for mitigation will it be taken out of the tax base? What is the impact to the County?
- How will expected property value reductions and reassessment for surrounding properties impact the County tax base?
- In the event these turbines and/or related transmission infrastructure spark a massive wildfire, will they be held liable for the associated costs? What is the estimated potential cost of lost homes, habitat and type conversion?
- What benefits will the local impacted communities realize?
- Previously, BLM informed us that the downgrading changes to the Eastern San Diego Resource Management Plan would not result in any local benefits. They also informed us that most of their law enforcement was directed at the OHV areas in Imperial County. Is this information still valid?

Our rural community and tax and rate payers deserve an unbiased complete and objective cost /benefit analysis for these current projects under review, and the related projects, that takes into account the economic and environmental value of conserved lands and recreation.

Ecosystem Services and their economic value and place in land use planning:

A recent report published by Wild Connections is intended for use by the BLM and other agencies as a resource to more adequately represent the value of ecosystem services in land management planning such as the ECO Substation, Tule Wind and Energia Sierra Juarez projects under current review. These critical ecosystem service values are generally ignored or vastly undervalued. **Here is the Conclusion and Recommendations section of the Wild Connections report:**

"In the past, ecosystem services were left out of the economic analyses when land use planning was conducted. There are likely two reasons for this, first, the economic models used were based on neoclassical economic assumptions that gave little value to the environment and the services it provides; and second, ecosystems services were difficult to quantify economically. Over the last thirty years both of these reasons have been challenged and are no longer valid. Numerous studies point to the importance of ecosystem services for human survival and numerous studies have also been conducted to economically quantify the value of these services. This study has analyzed the problems inherent in the present economic models and has established conservative economic values for a wide range of ecosystem services. These economic values have been applied to the Pike San Isabel National Forest as a demonstration that the value of these services can be established and therefore incorporated into the land use planning process. It is no longer possible or prudent to ignore the enormous benefits ecosystems provide for humans.

The following conclusions can be reached from the material presented in this paper.

- 1. Traditional economic models used in land use planning are flawed and therefore their results should be interpreted with great caution.*
- 2. The economic value of ecosystem services has been ignored in the land use planning process.*
- 3. Ecosystem services do have economic value.*
- 4. The economic value of ecosystem services can be measured and is available in the professional literature (Appendix A).*
- 5. The total economic value of ecosystem services is substantial (Tables 5 and 6)*

Recommendations:

- 1. Land use agencies must create new economic models.*
- 2. These models must deal with the flawed assumptions and statistical problems inherent in input/output models.*
- 3. The new models must also include the economic value of ecosystem services.*
- 4. Recursive models are necessary to assess the long term impact of land use change. Models that simply reflect the present, fail to anticipate the long term consequences of land use decisions.*
- 5. Appropriate negative multipliers must be established and used when they will accurately reflect the long term impacts of land use change.*
- 6. Models that can result in economic values that are less than \$0 are necessary in order to show the possible impacts of land use change on ecosystem services and therefore show the true costs of losing and replacing those services.*

The importance of these recommendations cannot be underestimated. Unless the changes outlined above are incorporated in the land use planning process, economic analyses conducted in the future will continue to be inaccurate. These recommendations are not only academically important, they are critical to the decision making process because if ecosystem services are ignored, human survival is compromised."

The full report is available in electronic format (PDF) at www.wildconnections.org/library.html

The BLM and the PUC should review this report and address the real true value of what will be lost if this transitional cross border area, already scientifically identified as globally significant and rare habitat, in the Las Californias Binational Conservation Initiative, with diverse species and critical binational wildlife corridors, is approved for industrialization, destructive habitat fragmentation, and potential type conversion.

ARRA stimulus funding creating more jobs overseas than in US

The promise of green jobs for our community is a ruse. The few jobs that may go to locals would not cover the lost value of community character, quality of life, resources, public access, and property values. See the linked investigative watchdog report that shows over \$2 billion in federal stimulus money has gone to for wind energy, with the vast majority going to foreign companies and foreign jobs. <http://abcnews.go.com/WN/wind-power-equal-job-power/story?id=9759949&page=3>

There is no "buy American" requirement for the massive amounts of money being spent on these projects, many of which are proposed for our public lands at bargain basement prices. Iberdrola has received over \$557 million of those funds so far and expects to receive another \$200 million or more this year. The existing Kumeyaay Wind farm was built with imported labor and foreign workers were even imported to change the oil/hydraulic fluid on the turbines. Another \$30 million in stimulus funds has reportedly been approved for Kumeyaay Wind II even though no project description or environmental review has been presented to the decision makers or the public. How can this be?

Proponents tout a property value impact report that has been discredited

Iberdrola, SDG&E, Sempra and other pro-wind advocates claim that the introduction of industrial wind turbines do not impact property values. Ed Clark of Iberdrola actually had the gall to tell our Planning Group and community that their turbines can increase property values. They all tout the Lawrence Berkeley National Laboratory (LBNL) report on *The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-Site Hedonic Analysis*.

However, the LBNL report, that cost taxpayers a reported \$500,000, has been challenged and criticized by several experts including certified real estate appraisers: See the linked press release, <http://www.windaction.org/releases/25672>, which includes the following excerpt:

"NEW HAMPSHIRE (February 15, 2010) -- Real estate appraisal experts are challenging the scientific credibility and accuracy of a recent US Department of Energy ('DOE') report on the effect of wind power projects on property values. A new paper asserts that well known flaws in the methodology used in the study raise serious questions concerning the credibility of the results, and the DOE report's authors failed to follow well-developed and tested standards for performing regression analyses on property sales."

Here is a link to Alan R. Wilson's challenge to the LBNL report entitled WIND FARMS, RESIDENTIAL PROPERTY VALUES, AND RUBBER RULERS©:
<http://www.arwilson.com/pdf/newpdfs/WindFarmsResidentialPropertyValuesandRubberRulers.pdf>

Michael McCann, another certified real estate appraiser sent a multi-page Certified Review letter to the LBNL report authors included the following statement:

"With all due respect, the final Report falls short of being a truly objective and reliable real estate value study of the issue at hand, in my professional opinion, the reasons for which I will begin to describe in this follow up review..."

Here is a link to the entire McCann letter (12-14-09) discrediting the LBNL report:
<http://www.windaction.org/documents/24637>

Here is a link to another report: Impact of wind turbines on the value of Texas rural land:
<http://www.windaction.org/documents/20145>. The impacts are similar to impacts we expect on our own rural lands

Property Value Protection Plans should be required.

Numerous properties located in neighborhoods along McCain Valley Road, Ribbonwood Road, Jewel Valley Road, La Posta Truck Trail and Thing Valley Road neighborhoods will be the most significantly impacted from the Tule Wind and ECO Substation projects, especially when the Sunrise Powerlink and new 138kV transmission line impacts are included. They should be provided with an enforceable Property Value Protection Plan that will provide for a buyout at fair market values in the event the new turbine/transmission projects result in reduced values and/or lost sales. In the past, the Department of Interior required Property Value Protection Plans for properties impacted by the 600 acre Campo Landfill proposed to be sited on Campo tribal lands. That PVPP was made part of the Record of Decision which was approved in 1993 by Secretary of Interior Bruce Babbitt.

Turbine noise, vibration & EMF impacts on health

The organized wind energy industry, and many decision makers, are in denial that problems with industrial wind energy complexes exist. However, the new information is emerging on a daily basis, from around the world, that very real impacts result from industrial wind energy do in fact exist. Significant setbacks for occupied buildings, public use areas, sensitive wildlife habitat, high-fire danger zones, non-participating property lines, and more should be mandated. **New guidelines recommend a setback of at least 2 miles or much more. In our community, residents that are several miles away from the Kumeyaay Wind facility are still negatively impacted by noise, vibrations and light pollution.**

This linked KPBS story includes comments from impacted resident Jerry Yops who already complains of noise and visual impacts from the existing Kumeyaay Wind project which is several miles to the west. Yop's says his property will be approximately 1/2 mile from Iberdrola's Tule Wind project. Yops has studied the issue and believes his property values will go down at least 20% due to the cumulative impacts of multiple wind farms. Other reports note up to 50 % and more. In the KPBS story, Iberdrola's Ed Clark downplays the noise impacts with a lame statement that the freeway noise drowns out the turbine noise. Most of those impacted do not live right next to the freeway and the turbine noise, low frequency vibrations, and strobe lighting invade their homes and lives, often to an intolerable level that disrupts their sleep patterns and well being.
<http://www.kpbs.org/news/2010/jan/27/community-opposition-proposed-energy-projects/>

What about stray electricity and EMF impacts from the turbines, substations and transmission lines? How will these impacts affect humans and sensitive wildlife? We believe there is a cancer risk to humans. Animals can sense electromagnetic fields and may be displaced from critical foraging and nesting areas. Horseback riding groups that frequent the McCain Valley area may no longer be able to, or no longer

want to, use the area for trail riding and endurance events. This will create not only a loss of recreation value it will also create a loss of business for businesses that rely on that extra income to survive.

The linked 2009 **Summary of recent research on adverse health effects of wind turbines** <http://www.windaction.org/documents/23709> includes the following excerpt:

"Contrary to the claims of the industry, there is a growing body of peer-reviewed research substantiating these health claims. This report attempts to catalogue the most recent.

A generally acknowledged major concern about wind turbine disturbance centres around the low frequency noise projected from this heavy industrial machinery. Until recently measurements of this type of noise have seldom been carried out near wind turbines.

There is already ample scientific evidence that low frequency noise is a cause of sleep disturbance in humans. The evidence also suggests that long term exposure normally leads to serious health problems.

Reinforcing this body of knowledge is the research that has been conducted on animals. Long term studies by European biologists indicate that habitat disturbance and abandonment takes place around wind turbine developments. Further research on animals indicates that basic survival functions such as hunting, self protection and reproduction are interrupted by low frequency noise exposure.

The only effective mitigation is to adequately separate wind turbine developments from sensitive wildlife habitats and human dwellings. "

Wind Turbine Syndrome: Dr Pierpont and others have researched complaints of the very real impacts of industrial wind energy on human health. Pierpont's book is available via her website at www.windturbinesyndrome.com. Peer reviews of Dr. Pierpont's book (which some wind energy proponents claim don't exist) and lots of other important information and links are available at that site. **Here is an excerpt from Dr. Pierpont's testimony to the New York State Legislature Energy Committee in March 2006:**

The symptoms start when local turbines go into operation and resolve when the turbines are off or when the person is out of the area. The symptoms include:

- 1) Sleep problems: noise or physical sensations of pulsation or pressure make it hard to go to sleep and cause frequent awakening.
- 2) Headaches that are increased in frequency or severity.
- 3) Dizziness, unsteadiness, and nausea.
- 4) Exhaustion, anxiety, anger, irritability, and depression.
- 5) Problems with concentration and learning.
- 6) Tinnitus (ringing in the ears).

Chronic sleep disturbance is the most common symptom. Exhaustion, mood problems, and problems with concentration and learning are natural outcomes of poor sleep

The 2008 **"how to" guide for criteria for siting to prevent health risks from sound** by George Kamperman and Rick James can be found at <http://windaction.org/documents/17229>. They recommended

1.5 km setback which has now been changed to 2 km setback based on Dr. Nina Pierpont's research. They recommend testing prior to approval to establish ambient noise / vibration levels in order to create enforceable contracts and mitigation requirements.

Here is a link to a british article (Sunday Times 12-13-09) regarding a cover up of wind turbine noise issues in a government report :
<http://www.timesonline.co.uk/tol/news/environment/article6954565.ece>

In his **Sleep disturbance and wind turbine noise**, Dr. Christorpher Hanning (May 2009) stated that: "In my expert opinion, from my knowledge of sleep physiology and a review of the available research, I have no doubt that wind turbine noise emissions cause sleep disturbance and ill health". Find the full report at: <http://www.windaction.org/documents/22602>

Pre-project noise measurements need to be taken, by an unbiased third party, in these residential neighborhoods, at the impacted campgrounds, and in the surrounding Wilderness Areas and Areas of Environmental Concern. Significant setbacks, a minimum of 2 miles, enforceable noise and vibration restrictions, along with dark sky protections, need to included in any project approvals.

Another issue is documented in this linked 2006 DOD report on The Effects of Windmill Farms on Military Readiness: <http://www.windaction.org/documents/5439>. The results of testing demonstrated that the rotating blades of an industrial turbine do have an impact on radar target tracking and the ability to discriminate the turbines from aircraft. Other reports note that turbine disturbance impacts weather radar as well and cannot distinguish storm events from the turbine generated turbulence. Tule Wind is proposed in major air traffic corridor used by military, commercial and private planes and helicopters. The area is also frequented by the US Border Patrol. How will their operations and communication equipment be impacted by interference from these turbines and multiple powerlines?

Historic resources

Historic & Cultural Resources will be impacted by Tule Wind project, the related 138kV transmission line and the Sunrise Powerlink, including the McCain Tule Ranch house located on McCain Valley Conservation Camp property owned by the Department of Corrections and the 1865 wagon route/ express trail through McCain Valley and Thing Valley (See 1865 Map 37 page 251: The Historic Backcountry, by Chris Wray, 2004-2009, tierrablancabooks.com). Many other historic and cultural resources will be impacted by the related Sunrise Powerlink including historic the Desert View Tower, Bankhead Springs, Wuest Ranch, La Posta Ranch and more. Tule Ranch house photo below is by Bill Parsons.



Native American sacred sites and geographic viewsheds:

It is our belief that the PUC/BLM have ignored significant and cumulative negative impacts from these energy and transmission projects and the related Sunrise Powerlink project on cultural resources including visual impacts and geographic landscapes that are sacred to Native Americans. Please refer to the testimonies from Carmen Lucas (Kwaaymii, Laguna Band of Indians) and Preston Arrow-weed (Quechan) in the transcript of January 28th PUC/BLM hearing and the excerpt below taken from Carmen Lucas's comment letter, via Courtney Ann Coyle, Attorney at Law (11-4-08), to the BLM El Centro office on **Changes to Eastern San Diego County RMP:**

"Regarding changes to renewable energy locations, we do NOT agree that additional lands should automatically be opened up for wind or other renewables. Potential impacts to the environment, most significantly those related to tribal values as set forth in our comment letter of May 31, 2007, would be too great. Many of these impacts to sacred places, burial/cremation areas and traditional cultural properties, in our view, cannot be mitigated.

Regarding changes to Visual Resource Management Proposals/Classifications, we do NOT agree with the proposed downgrading of visual resources to lower classes to allow for more utility locations or mineral entry. Potential impacts to the environment, most significantly those related to tribal values as set forth in our comment letter of May 31, 2007, would be too great. The management area is rich in cultural landscapes and the views to and from them are unique to the region and retain significance to living tribal peoples. Many of these impacts to landscapes, sacred places and traditional cultural properties, in our view, cannot be mitigated.

Utilities can also interfere with the flow of the landscape and viewsheds in the San Felipe, Banner Grade, Oriflamme, Sawtooth and McCain Valley areas. This can affect not just federal lands, but also State lands, such as nearby California State Park lands and their cultural preserves (existing and potential). My client asks that BLM NOT ruin what remaining landscapes and viewsheds we have left in San Diego

County. Moreover, there are the cremated remains of thousands of tribal people in the study area, as this was one of the last strongholds for local tribes. The cumulative impacts of the proposed changes with other renewables projects in our local deserts is simply too great to tribal cultural values. Please work with DPR and local tribes and rethink your proposal."

There are untold numbers of cultural resources in the McCain Valley and Jacumba areas and north and south of Old 80. This entire region was one of the last strongholds for Native Americans before and after the arrival of the Spaniards and other settlers. Many of the separate sites, which have been identified, are most likely part of larger complexes that have either not been fully identified or have been segmented to reduce their true value and significance. Virtually every property in the McCain Valley area on both sides of Old 80 and I-8, that has been developed in the last decade or so, were required to do cultural surveys that documented numerous sites for each property. The resources are virtually everywhere

Wildlife impacts



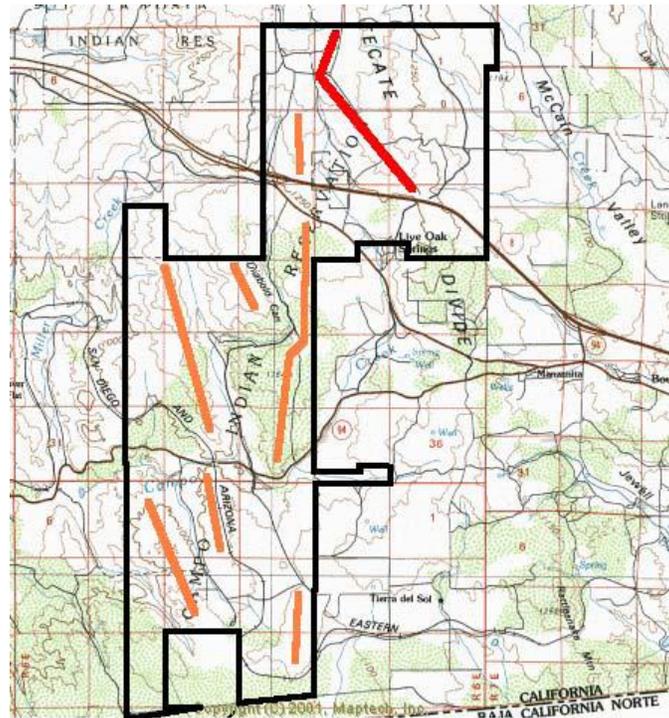
Bighorn sheep like those in the photo above near Mountain Springs, provided by the Border Patrol Public Lands Liaison, occupy the areas impacted by Tule Wind, ECO Substation with new 138 kV lines, Energia Sierra Juarez wind energy project and cross border powerline and the Sunrise Powerlink.

2003 Recovery Plan for the **Quino Checkerspot Butterfly**: Figure 17 (page 85) shows QCB Recovery Unit extending north into McCain Valley and west towards the Jewel Valley / Tierra Del Sol area. Quinos have been documented on the Campo Landfill site and at the La Posta Warfare Training facility, and elsewhere throughout this area.

Arroyo Toad habitat is in the area as well. We have seen maps showing the Walker Canyon wetland / creek area near I-8 and McCain Valley Road and the La Posta Creek watershed as Arroyo Toad habitat.

We have an abundant and diverse bird and bat population including many raptors which are especially prone to suffer fatal collisions with wind turbines. Along with the tracked Condor, we know that the following are here in the area impacted by these three projects: Golden Eagles, Ferruginous Hawks, Red-tailed Hawks, Prairie Falcons, Harris Hawks, Cooper's Hawks, Turkey Vultures, pallid bats and more.

Bird mortality from turbines is a sad yet vastly under-reported reality. During the early days of the Kumeyaay Wind project, an employee told a reporter that they had found what appeared to be a rare species of bat. We never heard another word about it. Have legitimate studies been done at Kumeyaay Wind? If so, who conducted them and on what regularity. Was the environmental consulting company owned by tribal member Michael Connolly and his wife Stephanie involved in any way? If so, there is the potential for biased reporting due a financial conflict, and his ongoing lobbying for increased wind energy on tribal lands. He has a company named High Pass Energy, LLC. See this link for his power point presentation where he is listed as a technical consultant for Kumeyaay Wind II. **The link also includes the map below showing the potential ridgelines where industrial wind turbines could be installed. The cumulative impacts from all of these wind and transmission projects are massive.** http://apps1.eere.energy.gov/tribalenergy/pdfs/course_biz0904_connolly.pdf



We also have so many predators in the area that carcasses resulting from turbine collision could have been snapped up prior to any carcass surveys being conducted. The surrounding dense vegetation could also impact the ability for carcasses to be spotted and counted, thereby generating deceptively low numbers of documented mortalities and injuries.

See the strong comments of wildlife biologist Jim Wiegand at this link which includes a gut-wrenching video of a vulture being struck by a turbine and a call for new laws to ban the "Take" of protected species

by prop wind turbines: <http://www.eastcountymagazine.org/node/2740>. Here is an excerpt of Wiegand's comments:

"Every day at wind farms across America threatened or endangered species are killed from collisions with blades of the prop wind turbine. This is considered legal because the offending wind farms either hold the "incidental take permit" or were not required to have one because they did not fully disclose environmental impacts of their activities. The U.S. Fish & Wildlife Services requires the procurement of an incidental take permit for any individual or private industry if threatened and endangered species will be killed in a project. This killing is referred to as "take" -- and the permit holder has immunity from prosecution.

Currently the USFWS is not protecting America's rare and endangered species, nor is the agency enforcing the law. The number one cause of death for golden eagles in our state is the prop wind turbine. There are dozens of California condors and whooping cranes that have disappeared in recent years. Many (including myself) believe they are dying at wind farms and are not being reported as required by the USFWS"

Attached is report on the Condor reintroduction program in Baja which includes a map of a tracked condor flying along the Sierra Juarez and McCain Valley area where hundreds if not thousands of 400-500 foot tall industrial wind turbines are proposed. It is no coincidence that Sempra donated a reported \$250,000 to zoo's condor program.

Many other sensitive plant and wildlife species, including mountain lions, bobcats, deer, kit foxes, kangaroo rats, black-tailed jack rabbits, a variety of horned lizards, snakes and other amphibians are present in our delicately balanced area. These transitional areas, and the diverse and abundant species that rely on them, may become even more at risk in the event of predicted climate change and the negative impacts and fragmentation created by these projects.

Fire threats & safety issues

The Final EIS /EIR for the Sunrise Powerlink, which will impact the same project areas that are under current review, reported a mere 49 significant and unmitigable impacts for the selected route. Fire and fuels management were one of those impacts. We later learned that there were actually over 100 significant and unmitigable impacts. The Sunrise Powerlink documents failed to include the proposed Tule Wind project on 15,000 acres in McCain Valley, even though the BLM had a Plan of Development in hand. CAL FIRE and the Cleveland National Forest, among others, have expressed concerns with increased threat of fire and

The Notice of Intent for Tule Wind does not even mention fire as a kanor issue of concern. Turbine fires do occur and should be addressed in this DEIR/EIS. Normal causes are lightning, overheating and/or lubrication failure, oil leaks and structural failure. As reported in the linked 2007 study from Bethany New York:

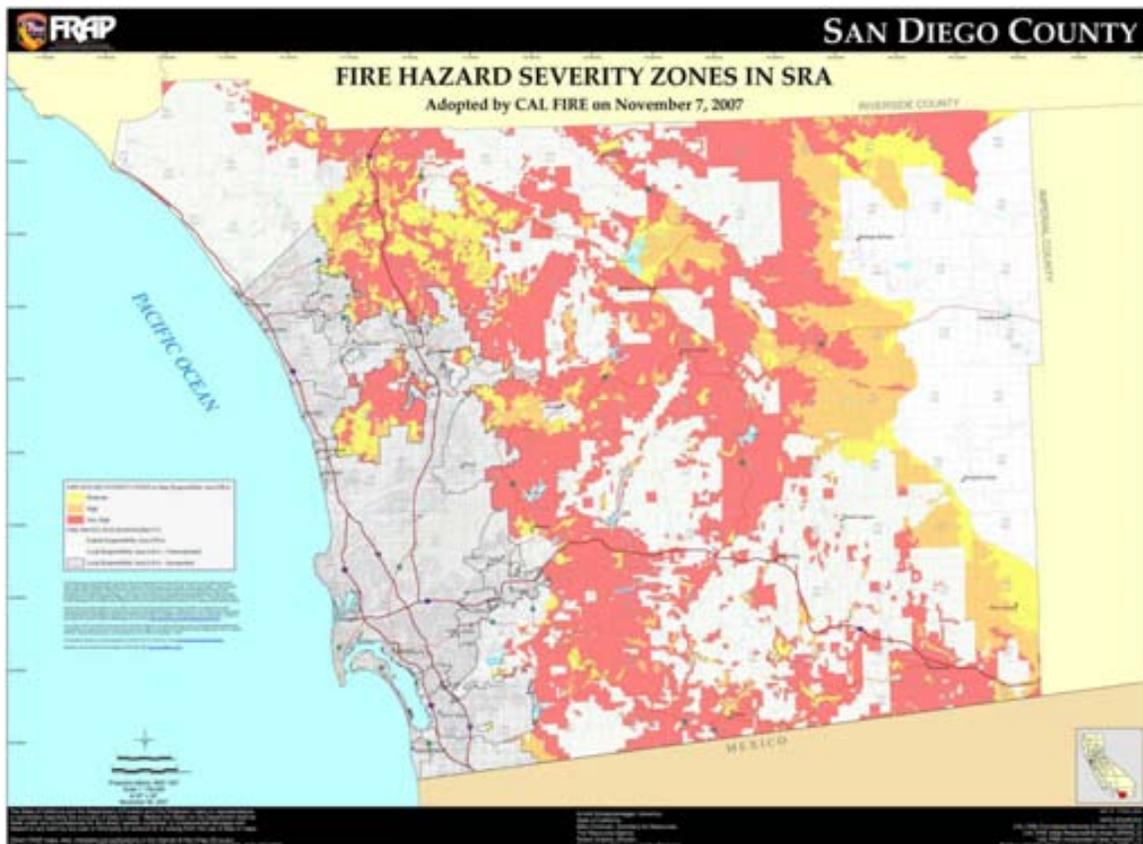
" in 1997 a 4 year old turbine overheated and caught fire inside the nacelle. Witnesses reported "balls of fire" coming from the turbine as burning parts flew out of the nacelle. The turbine's rotors were impossible

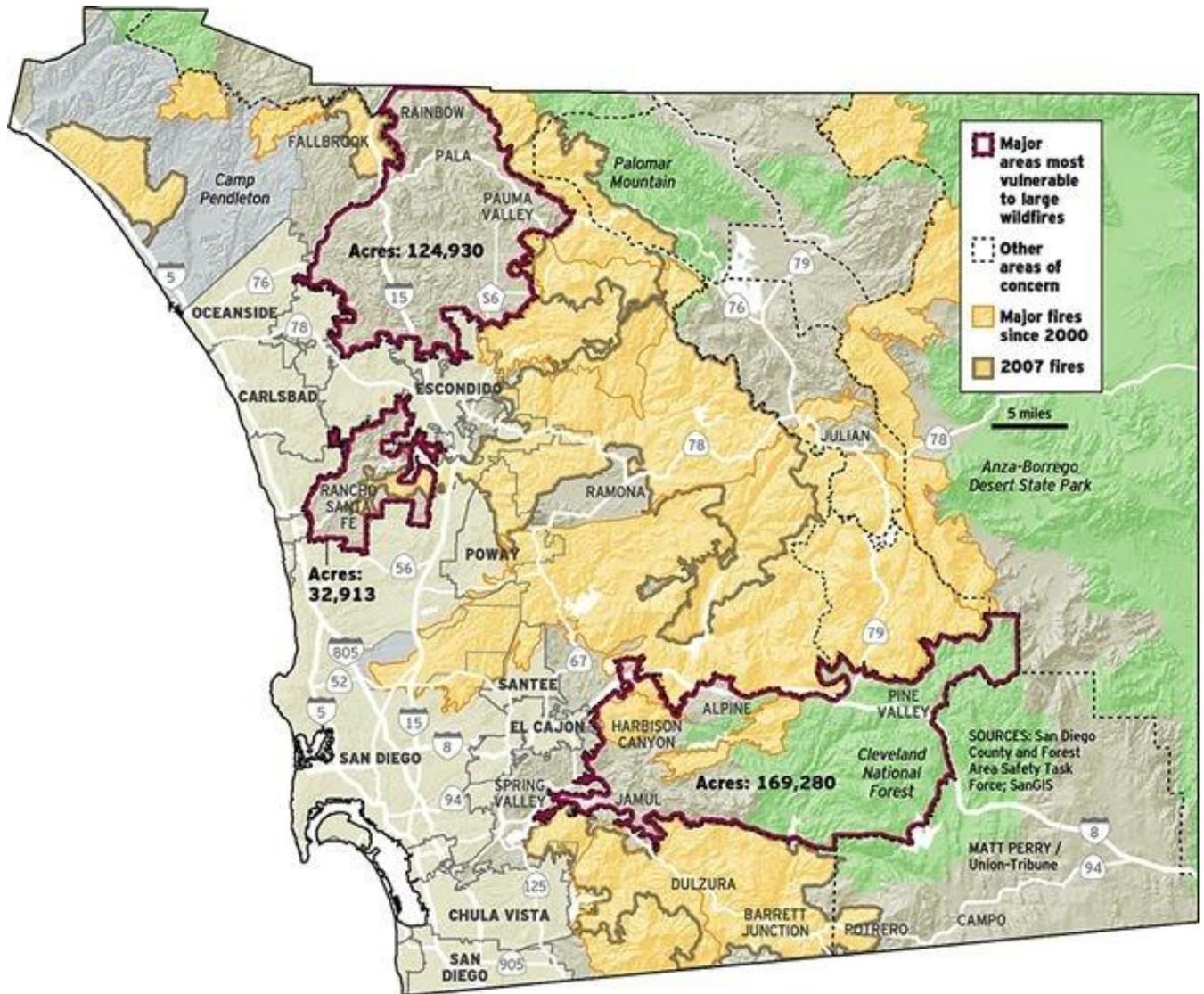
to stop as the brake controls were aflame. Rotating, burning debris was thrown 150m (495ft), setting the hillside and a public right-of-way on fire." This committee has been able to locate evidence of California fire departments actively fighting turbine fires – using helicopters designed to fight forest fires. Such equipment is not currently available in Bethany and may be cost-prohibitive to acquire. Finally, in consideration of possible accidents at wind turbine locations, and the fact that these may or may not be near to any dwellings, concerns arise with the reporting of fires or other emergencies. The 911 emergency system in the US is keyed to postal addresses – as an example, help was delayed to the Atlanta, GA Olympic bombing site because the 911 operator could not find a physical address for the park in which the bombing took place. Each turbine, therefore, should be given a postal address compatible with the 911 emergency system and clearly labeled with that address against such necessity.

Here is the link to the Bethany report:

<http://www.wind-watch.org/documents/wp-content/uploads/bethany-windturbinestudycommitteereport.pdf>

The CAL FIRE map below shows the Fire Hazard Severity Zones in their State Responsibility Area. Please note that the projects under review are proposed for area in the lower right corner, are ranked as High Fire danger. The map can be found at http://frap.cdf.ca.gov/webdata/maps/san_diego/fhszs_map.37.jpg





The map immediately above was taken from a San Diego Union Tribune story on 9-28-09. It shows this project area as an area of concern.

A fire sparked in this high fire danger zone during Santa Ana or other significant wind events would have the potential to burn some of the last intact Mediterranean mosaic habitat left in the County. This cross-border area has been identified as globally significant and rare. Note the areas and massive numbers of acres that have burned just since 2000. Some of those catastrophic fire storms were sparked by electric infrastructure.

Vicki Wood, BLM El Centro Field Office manager, in a news release dated 10-27-08, stated that McCain Valley was closed. The press release read: *"The extreme fire conditions currently in this area prompt us to issue this closure order in the interest of public safety."* Will the turbines and related power lines also be shut down during extreme fire conditions and red flag weather events?

**Photographic evidence of types of turbine failure / damage
that can be expected at Tule Wind and Energia Sierra Juarez:**

The series of photos and links below offer examples of the potential threat that wind turbine facilities represent to our human and natural communities in this high-fire danger zone. The higher the number of turbines and expanded related infrastructure--the higher the risk involved.







Burning wind turbine in Uelzen, Germany

Dec. 2, 2009 - A wind turbine, above, burns in the German city of Uelzen. The fire on the 130 meter tall turbine caused €750,000 in damage and is believed to have been caused by a technical defect. - DPA

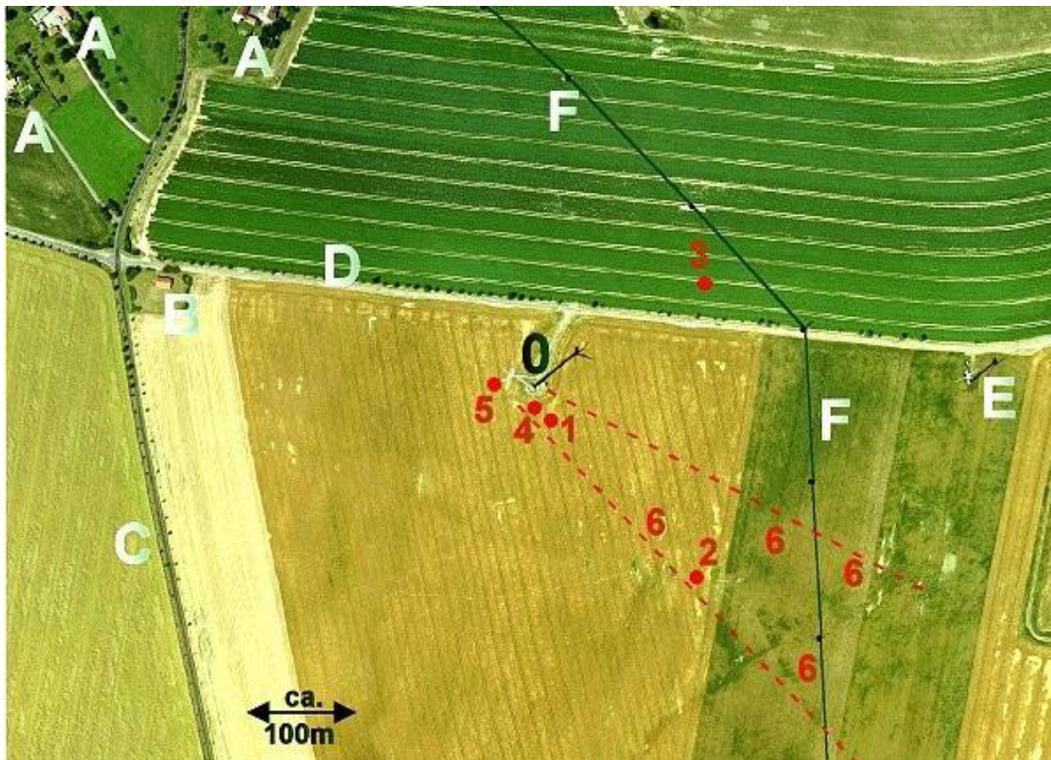


Tipped turbine, foundation and all.



December 2, 2008 Credits: Wausa News

In photo above, a 262 foot wind tower northwest of Bloomfield Nebraska burst into flames. Officials say three men were injured in the fire. One was sent by Life Flight to Sioux City with extensive burns.



The photo directly above, from the linked Bethany report, shows the debris field from a damaged turbine. The report also notes recorded debris fields with scattered turbine parts, which can include nacelles with rotors still attached, up to 1,650 feet from the turbine location. These failures are often the result of brake failure during high speed winds. All turbines, regardless of how state of the art they are claimed to be are, are subject to some degree of failure.

Here is a link to a video of a smoldering Iberdrola turbine in Spain dated 9-11-08:

<http://www.windaction.org/videos/17958>

Here is a link to an article regarding a wind turbine fire at an Iberdrola project at their Locust Ridge 1 project in Pennsylvania: <http://www.windaction.org/news/21321>

Here is a link to an article regarding a tower collapse and fatality at a PPM (Iberdrola) project in Oregon: <http://www.komonews.com/news/local/9383316.html>

Here is another news bite on an Iberdrola turbine fire in Spain dated 11-17-10:

<http://greenenergydirectory411.com/2010/01/17/wind-turbine-fire-in-spain.html>

Here is a slide show of wind turbine accidents:

<http://www.youtube.com/watch?v=ppLh5pGX3qQ&feature=related>

Turbine brake failure and explosion:

<http://video.google.com/videoplay?docid=8174226968688178689#docid=504493202651338360>

2007 fire near Palm Springs: <http://www.youtube.com/watch?v=4N4HQv-UyUo>

<http://www.youtube.com/watch?v=HKkTUY2sIYQ&NR=1>

Turbine fire in Solano County: http://www.youtube.com/watch?v=cH-2m4A_6NQ&feature=fvw

Turbine collapse in OK: <http://www.youtube.com/watch?v=ZbMO7ufATBc&feature=rela>

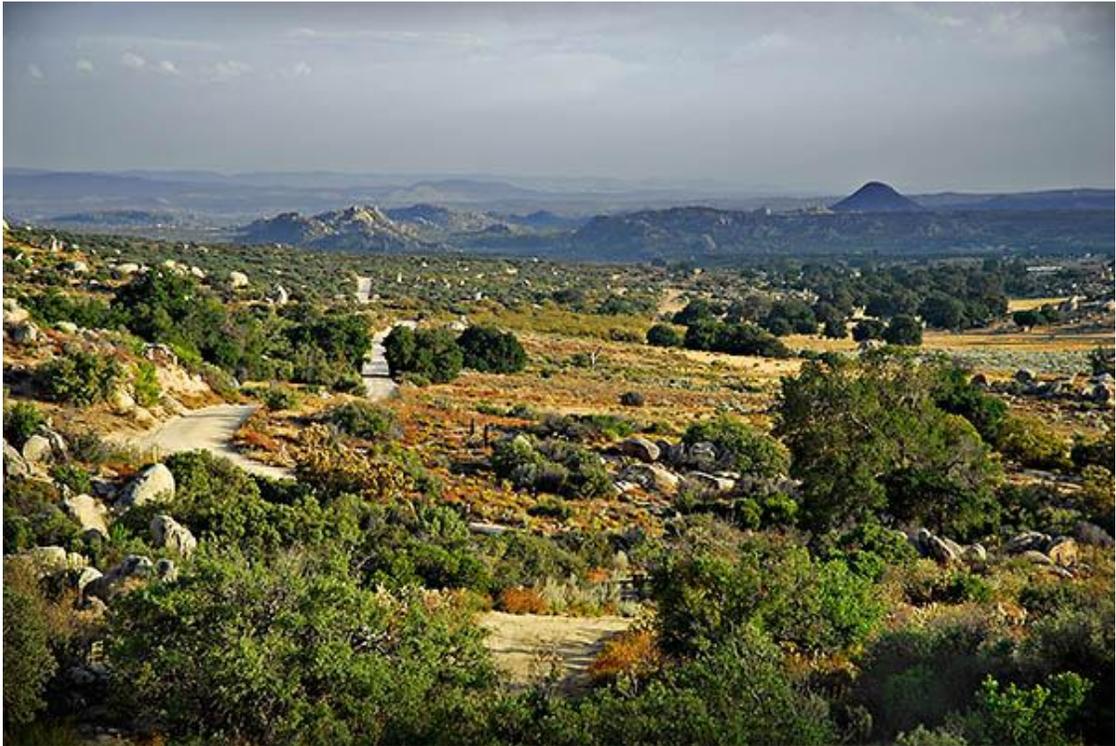
Compilation of wind turbine accidents and failures:

<http://cc.bingj.com/cache.aspx?q=collapsed+wind+turbine+photos&d=5048858667516288&mkt=en-US&setlang=en-US&w=4c62376c,ad37e2dd>

Visual Resources:

Our currently open and spectacular scenic resources will be forever changed and scarred by massive wind turbines and criss-crossing transmission lines, multiple substations, and miles of new access roads. There will no direction to turn to avoid these impacts. The following three photos, by Bill Parsons, show McCain Valley where, after heavy lobbying by PPM Energy (now Iberdrola), the BLM determined that the area was so visually degraded that they had to downgrade the Visual Resource Management Classification from pretty to ugly. The unjustified and unsupported downgrade conveniently allows for industrial wind energy and the new utility corridor for Sunrise Powerlink where no utilities now exist.

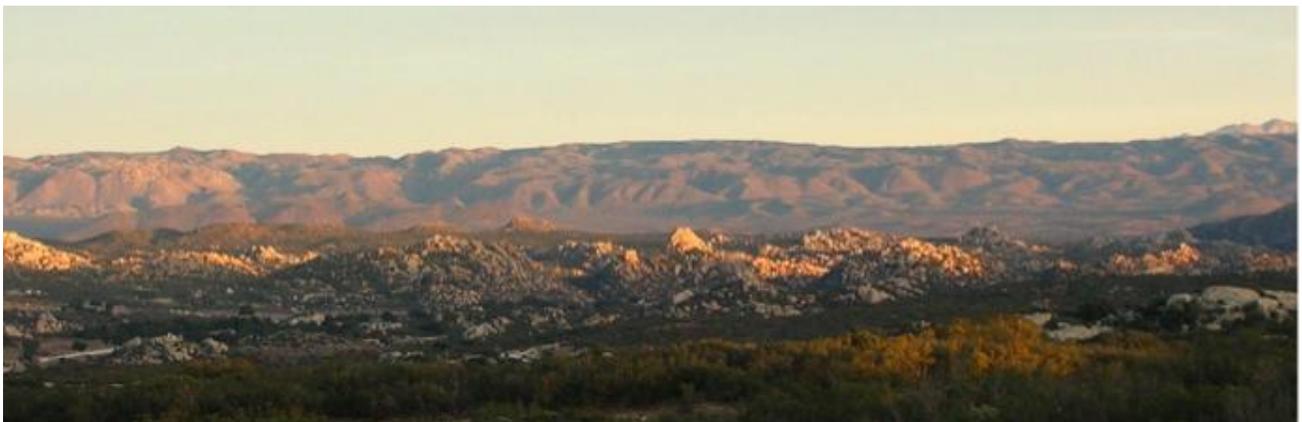
If the BLM's approval of the VRM downgrade and the Sunrise Powerlink through a new utility corridor survive the legal challenges, **Sunrise will run just along the left side of McCain Valley Road (visible dirt road in photo below) with Tule Wind's industrial turbines to the left and the right side just out of range of the photograph immediately below. The first photo was taken in the vicinity of the Lark Canyon OHV Park looking south towards Mexico.**





These stunning McCain Valley photos above were provided by Bill Parsons. More are attached.

Sempra's proposed 1,250 MW Energia Sierra Juarez (ESJ) cross-border wind energy and transmission project is proposed for this highly visible Baja ridgeline as viewed in the photo below showing the view from Tierra Del Sol Road in Boulevard:





The photo immediately above, shows another view of the Sierra Juarez Mountains where Sempra's ESJ project is proposed, with Boulevard's Jewel Valley in the foreground. The photo was taken from Tierra Del Sol Road on the Tecate Divide. The backcountry transitional area impacted by these wind and transmission projects has already been scientifically identified in the Las Californias Binational Conservation Initiative as globally rare and significant Mediterranean mosaic with diverse species and critical bi-national wildlife corridors.

The ECO Substation will require a new 138kV line to run north/south and east/west through private properties in Jewel Valley in the foreground and in Jacumba. The ECO Substation will be located at the base of the Sierra Juarez, east of Jacumba. The location is visible just over the left side of the sunlit boulder formation in the center of the photo above. The line visible over the same boulders is the US/Mexico borderline. The photo viewpoint is from Tierra Del Sol Road which runs along the Tecate Divide. Tierra Del Sol is also targeted for industrial wind energy. According to County Recorder documents, Invenergy Wind Development, LLC has easement grant agreements, signed in 2008, with property owners Larry Fossett, Joseph Norton and Jesus Calderon.



The photo above is the current rustic view of the future home for the new 2-acre Boulevard Substation from Historic Route 80. The home, in the rear, will be removed along with the outbuildings and potentially some mature oak trees. This residential use and view will change to an industrial use.



The photo above shows the existing 1/4 acre Boulevard Substation which sits off the road and is much less visible from Historic Route 80

What are the real GHG impacts and where is the backup generation for intermittent wind?

Where is the evidence that these wind energy projects will actually reduce GHG impacts? The CEC recently urged regulators to slow down implementation rules on green house gas emissions saying they could hurt plans to transform the system to run on more renewable energy forms like wind and solar. The CEC wrote to the USEPA that it would construct a fleet of highly efficient natural gas-fired power plants to address the sporadic power generation of proposed wind and solar. See the January 11, 2010 article at <http://www.reuters.com/article/idUSN111649620100111>.

Where is the backup generation for the 1,450 MW of wind energy proposed at Tule Wind and Energia Sierra Juarez? What are the green house gas impacts and added costs from that necessary backup? The GHG impacts from the backup generation should counted towards the wind energy projects emissions.

Another report published in Power Engineering July 2009 (with charts graphics), **Calculating wind power's environmental benefits**, found at <http://www.windaction.org/documents/22493>, concluded the following:

"Any analysis of wind power's potential to displace fossil fuel generation must first correctly reflect current environmental regulations. Any air pollutant subject to a cap and trade program covering SO₂, NO_X and regional CO₂ may be displaced but not avoided. Emission levels will remain at the same capped levels with or without wind project development. With the eventual implementation of a federal cap and trade law regulating CO₂ emissions appearing likely, wind power will likely offer no future incremental greenhouse gas emission reduction benefit.

One must also distinguish between closed market states with renewable portfolio standards and those open market states without them. Those competing in these closed set-aside protected markets are competing against other renewable projects and not in the open market against lower cost conventional power sources. In these closed markets, no incremental carbon reduction benefits exist between competing renewable power projects. However, these closed power markets were established through regulation and/or legislation and their creation carved out a portion of the open market that reduced the demand for conventional power generation and non-capped fossil fuel emissions. In any case, any avoided emissions benefit is not attributable to a single wind developer, but to regulatory action that has created the closed market for wind and other renewables.

Creating a federal renewable portfolio standard would create a nationwide closed market for renewables, meaning wind projects would again offer no incremental emissions benefits given their direct competition with other renewables and not coal or natural gas. Unfortunately, many of the claims made regarding wind's supposed avoided air benefits are overstated."

Authors: Thomas Hewson Jr. is a principal with Energy Ventures Analysis of Arlington Va. where he directs the firm's environmental consulting practice. His experience spans more than 32 years evaluating environmental issues related to energy use for DOE, EPA, EPRI, major electric utilities, fuel suppliers, equipment vendors, utility commissions, investment firms and citizens groups. He holds a BSE in civil engineering from Princeton University.

David Pressman is an Analyst for Energy Ventures Analysis and holds a bachelor of arts degree from the University of Rochester.

Potential mitigation:

Our group, elected by the community to represent them on land use issues, strongly opposes these projects and others for a variety of fully justified reasons. It is also our strong position that the significant, cumulative, and varied impacts from all these projects can never be fully or properly mitigated. While we support the legal efforts to deny and overturn these projects, we understand that even well-funded legal challenges may not prevail to stop these projects and the real threats they represent. In that event, we believe our impacted human and natural communities should be compensated with some form of mitigation to help defray the heavy burdens placed upon us.

At a minimum, mitigation should include the purchase of property, approved by the County, and the construction and ongoing operation of a new fire station for Boulevard, with 24/7 paid staffing--to replace our current volunteer staffing and inadequate fire station and equipment. Fire-fighting equipment and ongoing maintenance for the station, staff and the equipment needed to fight fires related to 400-500 foot tall turbines, towering transmission lines, new substations, exploding transformers and vaults should be also part of the required mitigation. Ongoing training for the full-time paid staff should also be funded by these project developers/ owners. At least one 4-wheel drive rescue vehicle that can reach all 15-miles of Tule Wind turbines should also be included to address remote construction accidents and/or injuries to members of the public from self destructing turbines and/or turbine related fires, and other project related impacts. Funding for ongoing equipment maintenance and upgrading should also be included.

The current Boulevard Fire & Rescue Department facility, which is not structurally sound enough to qualify as a certified emergency shelter, should either be retrofitted or rebuilt to allow for use as an authorized public emergency shelter. That shelter should be fully outfitted and stocked to serve the Boulevard community and others in need during natural or man-made disasters. The developers/owners should be required to fund these ongoing services as long as their projects, which represent an ongoing significant and increased threat of fire, are operational in our rural low-income at-risk community.

Another mitigation measure should require that all new power lines be buried underground to reduce fire threats and visual resource impacts. Existing power lines should also be undergrounded.

Tule Wind and SDG&E should be contractually mandated to keep the public and private access roads in the McCain Valley, Jewel Valley, and elsewhere, that they will need to construct and access their projects, repaired and maintained--as long as their projects are in operation. McCain Valley Road nor Ribbonwood Road, and Jewel Valley road were never engineered or constructed to endure such heavy volumes of truck traffic with such excessive weight loads. Iberdrola has reportedly been sued over poor road maintenance related to another wind energy project.

The number of turbines should be significantly reduced in McCain Valley and moved much further away from the Wilderness and ACEA areas and the homes on McCain Valley Road and Ribbonwood Road and Lark Canyon OHV Park and the two campgrounds. Instead of installing turbines on the Hamann property, that land should be purchased for mitigation and placed in an ACEA or added to the adjacent Wilderness Areas. Other private land on the east side of McCain Valley should also be purchased and conserved in a manner that prevents future development of any kind.

All mitigation land purchased as mitigation for these projects should be required to be purchased within the same impacted areas. Purchasing property in another part of San Diego or Imperial County should not be allowed. The mitigation ratio should be at least 4:1

Property Value Protection Plans should be provided to impacted residents along McCain Valley Road, Ribbonwood Road, Jewel Valley Road and La Posta Truck Trail and Thing Valley.

Alternatives:

Energy Efficiency, Conservation & point of use generation

- Distributed Generation is the key to eliminating expensive and destructive large scale remote renewables and the extensive, expensive, and destructive transmission lines they rely on. Especially if those projects are slated for sensitive lands impacting intact habitat, endangered species, and rural low income communities.
- Senator Bernie Sanders (I-VT) and Representative Steve Cohen (D-TN) have introduced the 10 Million Solar Roofs and 10 Million Gallons of Solar Water Heating Act of 2010. This bill, modeled on California's Million Solar Roofs initiative, would deploy photovoltaic solar panels on 10 million rooftops nationwide and increase the capacity of solar hot water by 10 million gallons over the course of the next 10 years.
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- December 2009 report by BerkeleyLaw/UCLA Law: In Our Own Backyards; How to Increase Renewable Energy Production on Big Buildings and Other Local Spaces. Contact Ethan Elkind at (510) 643- 3701 or Eelkind@law.berkeley.edu or
-
- Distributed Generation article in NY Times: <http://greeninc.blogs.nytimes.com/2010/02/04/a-boon-in-smaller-distributed-solar-projects/>
-
- More long-term local jobs will be created by investing in solar and other renewable energy projects on existing structures and already disturbed lands along with energy efficiency and energy conservation programs for government buildings and in low income urban and rural areas, including neighborhoods in Western Imperial County and South and East San Diego County. Retrofitting the many existing trailer homes in the rural areas with better insulation, cool roofing, dual pane windows, awnings and skirting would save a lot of excess energy required to heat and cool these modest homes while creating local jobs.
- A subsidized program to install solar PV panels, with transfer switches, on homes in impacted rural communities like, Boulevard, Jacumba, and Campo would increase reliability, help reduce energy costs, and reduce the potential for extended blackouts during SDG&E's proposed emergency power shut-offs during certain red flag wind events.
- The *San Diego Smart Energy 2020: The 21st Century Alternative* by Bill Powers of Powers Engineering, see <http://sdsmartenergy.org/smart.shtml>, was included in the record of the Sunrise Powerlink CPUC/BLM review process. *San Diego Smart Energy 2020* demonstrates an estimated 5,000 MW potential for in-basin retail/wholesale renewable energy.
- *San Diego Smart Energy 2020* and other public testimony throughout the CPUC's Sunrise Powerlink proceedings, and the resulting 11,000 page EIR/EIS, were the basis for the ALJ's proposed decision concluding that the Sunrise Powerlink was not needed and better cheaper, less destructive alternatives were available. The Sunrise Powerlink selected route ranked 4 out of 8 options.

- Ever-advancing technology and dropping prices make thin film PV even more cost competitive than just a few years ago when *San Diego Smart Energy 2020* was prepared. **See Bill Power's scoping comments submitted on this current multi-project review with new lower PV costs.**
- **The USEPA in its comments on the Solar Energy Development PEIS (September 8, 2009) stated that wholesale and retail distributed generation deserves further consideration.** It notes that an estimated 27,000 MW potential has been identified with small-scale projects near existing power substations throughout California. The EPA further states that distributed generation benefits include fewer environmental impacts than large scale projects, reducing generation costs through reduced line loss, reduced congestion, reduced peak demand loads, which enhance the efficiency, reliability and operational benefits of the distribution system and improve the overall security of our energy supply.
- **The Department of Energy is the advancing the Net-Zero Energy Commercial Building Initiative.** See some examples, including the near zero Audubon Debs Park building at: http://www1.eere.energy.gov/buildings/commercial_initiative/zero_energy_projects.html
- **New Calgreen building codes require new energy efficiency.** "CALGREEN will use the long-standing, successful enforcement infrastructure that the state has established to enforce its health, safety, fire, energy and structural building codes. Many of the mandatory provisions in the code are already part of the statewide building code, making verification of CALGREEN an easy transition for local building inspectors." (<http://gov.ca.gov/press-release/14186/>)
- **The County of San Diego has plugged into the CaliforniaFIRST program** to allow San Diegans to spread the cost of the rooftop solar electric systems over 20 years on the their property tax bill. The County also sponsored State legislation signed into law in October to compensate solar customers for surplus energy. The new County Operations Center will meet the US Green Building Council LEED standards. The County won the 2009 "Organizational Excellence Sandee" award from the California Center for Sustainable Energy beating out other regional governments.
- **Solar PV panel systems can now be leased through several companies with or without upfront costs.** Our research indicates that the cost for a 1,400 sq ft home (most of our rural homes are modest) and 20-year agreement with PV system maintenance included, would be approximately \$135 per month--with an option to buy the system outright. Organizations like One Block Off the Grid also offer ways for neighborhoods and communities to go solar at discounted prices.



- Landfill solar geomembrane covers like the one in the photo above from www.mswmanagement.com, can be installed on closed sections of landfills along with landfill gas-to-energy projects to generate renewable energy while reducing GHG emissions. These existing commercial sites generally have existing infrastructure. See <http://www.firestonesp.com/bmt/files/documents/A%20Solar%20Moment.pdf>
- Calpine Corp. is poised to build the first U.S. power plant with federal limits on greenhouse gas emissions in California after clearing a final regulatory hurdle. The Bay Area Air Quality Management District granted the Houston-based utility its final air quality permit, allowing the company to proceed with the planned construction of a 600-megawatt natural gas-fired Russell City Energy Center. The 15-acre project site is in Hayward, just east of the San Francisco Bay. See article at: <http://www.nytimes.com/gwire/2010/02/04/04greenwire-planned-calif-power-plant-would-be-nations-fir-73676.html>

Cumulative Impact Projects List:

Federal :

- BLM's Eastern San Diego County Resource Management Plan and 2008 ROD downgraded Visual Resource Management Classifications and opened up thousands of previously protected acres to development of industrial energy and mining operations. The BLM's controversial approval is under legal challenge.
- Sunrise Powerlink Final EIR/EIS & ROD is under legal challenge for violations of NEPA, CEQA, FLPMA, ESA, NHPA, APA.
- West Wide Energy Corridor approval impacts our BLM and Forest lands (under legal challenge)

- Kumeyaay Wind I: Approved by Bureau of Indian Affairs with a Finding of No Significant Impact (1-18-05) based on an Environmental Assessment only -- no EIS. Noise, vibration and night light complaints from impacted off-reservation residents in the Boulevard neighborhoods of Ribbonwood Road and Tierra Heights. The project suffered recent unexplained catastrophic failure and extended outage which should be formally investigated.
- Kumeyaay Wind II & III: proposed 160-300 MW wind energy at Campo Reservation with SDG&E & Invenergy. This project should be included in this EIR/EIS scoping / review process. This linked article in the San Diego Union Tribune reports that the Campo Band has already received \$30 million in stimulus funds for their share of Kumeyaay Wind II--*without an EIS* or other studies on significant and cumulative impacts to the environment and surrounding communities and property owners: <http://www.signonsandiego.com/news/2010/feb/12/tribes-lining-up-for-federal-stimulus-bonds/>
- Campo Nation's proposed Golden Acorn Casino Expansion EE 2007. A new hotel and other facilities are planned just southwest of the Kumeyaay Wind facility. No EIS is required due to the lack of a third party lease. The same UT article linked above states that the Campo Band wants to borrow money for an RV Park and sewage system upgrades which were previously included in the proposed Golden Acorn Casino Expansion.
- Campo Nation's proposed Campo Landfill (lease area 1,150 acres) in southeast corner of Campo Reservation. The original EIS and ROD were approved in early 1993 by Secretary of Interior Bruce Babbitt, but the project has never been built. The Draft Supplemental EIS for this project (started in 2003-4) was just announced by the Department of Interior. It was supposed to be published in the February 12 edition of the Federal Register but was delayed a week or so by inclement weather. The project website is listed as www.CampoDSEIS.com.
- Cleveland National Forest issued a January 2010 Categorical Exemption for Debenham Energy to install 3 wind energy testing MET Towers in Fred Canyon NW of La Posta Creek and La Posta Truck Trail. This is the precursor to industrial wind energy to be located just west of Tule Wind on the Ewiiapaiip tribal lands, near a known bat foraging area and Pacific Crest Trail.
- SDG&E's Master Permit EA for existing infrastructure is under review at the Cleveland National Forest. See the Cleveland National Forest (Descanso District) Schedule of Proposed Actions for an entire list of their projects at: <http://www.fs.fed.us/sopa/components/reports/sopa-110502-2010-01.html>
- BLM: CACA 050485 & CACA 050636 wind energy applications in Eastern San Diego County, and other wind and solar projects are planned in Western Imperial County will transform an entire scenic corridor along I-8 to an industrial zone. See the California Desert BLM District Offices Renewable Energy Projects and Utility Corridors map.
- BLM's 2004 categorical exemption application for Iberdrola's MET towers in McCain Valley and pending application for several more in the McCain Valley area.

- BLM's FONSI for MET towers for Greenhunter wind in the Ocotillo area of western Imperial County will impact environmentally and culturally significant resources including Coyote Mountain Wilderness which is considered sacred to Native Americans. This project would also rely on Sunrise:
http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/nepa/2005.Par.11648.File.dat/FONS_I_DR_EA_GreenHunter.pdf
- La Posta Casino started operation in 2007 on the La Posta Reservation, just west of existing Kumeyaay Wind facility; www.lapostacasino.com
- SES Solar Two project proposed for 6,500 plus acres of Limited Use BLM land in western Imperial Valley at I-8 and Dunaway Road. Bighorn sheep have been photographed onsite. The area is Flat-tailed Horned Lizard habitat it has significant cultural resources and recreational uses. The joint SA/DREIS was reportedly published in the February 12 Federal Register. See project site at: www.energy.gov/sitingcases/solartwo/documents/
- New Campo (La Posta) Border Patrol station, with heliport, built on BLM land on the edge of the La Posta Creek riparian area near the Sunrise Powerlink route at 32355 Old Hwy 80, Pine Valley
http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_sectors/sandiego_sector_ca/stations/sandiego_campo.xml
- 32-acre Boulevard Border Patrol station proposed for residentially zoned land on Ribbonwood Road just north of I-8. Ribbonwood is the proposed access road for Tule Wind. One impacted lot is partially zoned commercial. Traffic, noise, groundwater, lighting, residential use conflict issues have been raised. Documents to be released in February. USCBP Contact: Charles Parsons, Environmental Program Manager 949-425-7081
- BLM / Navy: Environmental Assessment for the La Posta Mountain Warfare Training Facility expansion at La Posta Road Navy Seal facility. Previous expansion was approved several years ago. BLM land and perhaps some Forest land is involved in the same area that Sunrise Powerlink and will impact the Cameron Valley and surrounding areas.
- The US/Mexico Border fence was bulldozed through East County in final days of Bush administration with environmental waiver. The fence impacts the same cross-border Eastern San Diego areas that Sunrise Powerlink and ECO Substation impact.
- USFS's pending decision on the Sunrise Powerlink EIR/EIS and Forest Plan Amendment. See Cleveland National Forest SOPA with all pending projects at: <http://www.fs.fed.us/sopa/forest-level.php?110502>
- Campo Materials (existing sand mining and cement) located on Church Road, Campo Reservation. See Campo Kumeyaay Nation website at: <http://www.campo-nsn.gov/index.html>
- Manzanita tribal wind energy feasibility study for area near the Kumeyaay Wind facility : DE-FC36-02GO12111, A000

<http://www.osti.gov/bridge/purl.cover.jsp;jsessionid=0741B112BCEFF42CF78B939CD76AA4DF?purl=/841461-dlmoU5/webviewable/>

- Massive grading inside NE boundary of Manzanita Reservation for unapproved motocross park lands. Clear grading was stopped by BIA several years ago. Extensive damage.
- Massive brushing and grading for motocross track on Campo Reservation just north of I-8 and East of Canebrake Road. Noise and dust complaints from off-reservation residents from Ribbonwood Road area subdivision. If any environmental studies were conducted for this project, we are unaware of them.
- BLM EA: CA-670-2005-07 & CA-670-2005-14 Hamann Rights-Of-Way McCain Valley: CA-46624/CA-46660: Hamann Companies / family members reportedly misrepresented to the BLM and the County the need for ROW for residential use. Instead, they were working with Iberdrola and clear graded and area for sodar wind testing equipment without proper permits from County of San Diego. It is our understanding that a codes violation case was opened. Hamann Companies also apparently destroyed several old wood barns on their Rough Acres Ranch that were over 50 years old, including an old redwood barn that reportedly dated back to the late 1800's.
- BLM: Culver ROW; illegal grading for private access road near Sunrise Powerlink route and Tule Wind project footprint. Not sure of current status.

State:

- SDG&E Emergency Power Shut-off Plan (**A-0812021**) was denied but is still under review by the PUC. SDG&E proposes to shut-off power, during certain red flag weather events, to the same rural communities where they are proposing to install much more energy infrastructure. If the existing infrastructure poses such a fire threat in this high fire danger zone, why increase that threat and risk by installing more powerlines and industrial turbines which can spark wildfires? We have been advised that the energy will continue to run through our communities on the Sunrise Powerlink and Southwest Powerlink but will not run to our communities on the distribution lines.
- SDG&E wood to metal pole swap creates new visual impacts with much taller and more industrial looking metal poles which also have the potential to be upgraded to carry more lines in the future. SDG&E has already installed some metal poles in Jewel Valley and plan to install more along Historic Route 80 west of Tierra Del Sol Road. 34 poles is the number SDG&E provided upon our request for information.
- Zemer Energy Union Fenosa 1,000MW in Baja's La Rumorosa area (party status approved in December 2008 by PUC in Sunrise Powerlink CPCN case). RETI maps showed potential cross-border power lines to export energy to the US grid.

San Diego County:

- Big Country Ranch Specific Planning Area (SPA) located on 2,280 acres in McCain Valley at north end of Ribbonwood Road, currently owned by Lansing Companies. Greg Lansing has promoted plans for a master planned community named Rancho Milagros. A \$12 million wind energy development plan with SDG&E was also revealed in El Cajon Superior Court Case No. 37-2008-0006173. The old Big Country SPA has expired. Under the new General Plan Update, the area is designated at 1 dwelling unit per 80 acres to protect the rural character and reduce impacts on important resources. Tule Creek watershed and blue line stream run through the property.
- Rancho Finistierra 87- lot subdivision on 755 acres lies south of Old Hwy 80 in Miller Valley area just west of Golden Acorn Casino at I-8 and Crestwood Road. Previously known as Spring Mountain Ranch and Stage Coach Springs Ranch. TPM 4995-1. The project started construction around 2004-5. However, only a few houses have been built and word of water problems have circulated. Property includes a riparian area with a historic spring fed pond that served stage coach route. Wildlife corridors connecting parts of Campo and La Posta reservations, Cleveland National Forest, Sawtooth and Carrizo Wilderness Areas
- Jacumba Valley Ranch 2,100 homes proposed on 1,250 acres: Letters were sent to BLM from SunCal attorney William Schwartz protesting Eastern San Diego RMP (5-31-07 & 1-4-08) and Sunrise Powerlink. The Jacumba Valley Ranch proposed a green subdivision incorporating point of use energy production with energy efficiency and conservation aspects. Currently this area is prime agriculture land with prolific organic vegetable crops. Round Mountain, in the northwest corner is sacred to Native Americans.
- Star Ranch subdivision proposes 460 units on 2,150 acres on a historic Campo valley ranch. An even higher density promoted by the developer has been under review as part of the County's General Plan Update. The ranch is near Sunrise Powerlink route. Star Ranch includes wetlands, riparian areas, wildlife corridors, and Campo Creek. See maps and more details at: http://legacy.signonsandiego.com/uniontrib/20060413/news_6m13campo.html
<http://www.starranchco.com>
- Invenergy Wind's MET Tower application (# AD-0917) is located in a residential neighborhood for Tierra Del Sol Road, Boulevard, along the Tecate Divide.
- San Diego County's draft Ordinance Amending the Zoning Ordinance related to Solar power and Wind Power (POD 09-006) has the potential to open up more private lands for wind and solar energy projects. This is expected to go out for public review in late February. Project manager contact: carl.stiehl@sdcounty.ca.gov

There may be more projects than those listed above. Our time is limited and the lists are long.

Documents incorporated by reference:

BLM:

- November 11, 2005: BLM: Opposition to wind energy testing & development in East San Diego County
- October 6, 2007: BLM/CPUC RE: Sunrise Powerlink and Modified Route D Alternative
- May 31, 2007: Eastern San Diego County Draft Resource Management Plan and Draft EIS
- January 4, 2008: Letter to BLM protesting approval of the Eastern San Diego County Proposed Resource Management Plan and Final EIS dated November 2007.
- March 21, 2008: DOE PPA-334 for Baja Wind (Energia Sierra Juarez) comments
- August 25, 2008: Comments on the Sunrise Powerlink Recirculated DEIR/Supplemental DEIS & Request Recirculation of RDEIR/SDEIS Based On New And Significant Information
- August 27, 2008: (DOI/BLM # 4310-40) Objections to Significant Changes to FEIS/PRMP Eastern San Diego County And Response to PP-CA-ESD-08-05: BLM's response to Boulevard Planning Group's protest
- November 14, 2008: (DOI Control No. DES-07-58) Protest letter appealing BLM's proposed Land Use Plan Amendment to the Eastern San Diego Resource Management Plan and the selection of the Environmentally Superior Southern Route as their Preferred Alternative in the Sunrise Powerlink Project Final EIS/EIR
- November 14, 2008: Sunrise FEIR/EIS comments

CPUC:

- April 7, 2008: CPUC/BLM: Sunrise Powerlink DEIS comments
- August 18, 2008: CPUC RE: SUNRISE POWERLINK: SDG&E'S FAILURE TO DISCLOSE SIGNIFICANT NEW INFORMATION AND APPARENT CONFLICT OF INTEREST
-
- August 25, 2008: CPUC RE: Sunrise Recirculated EIS comments
- October 14, 2008: CPUC comments at fire hearing
- December 8, 2008: CPUC RE: SUNRISE POWERLINK DECISION: A06-08-010: SUPPORT FOR THE ALJs PROPOSED DECISION REJECTING THE PROJECT. REJECT TWO ALTERNATE PROPOSED DECISIONS.
- March 17, 2009: CPUC 08-011-05: OIR Comments made at public hearing on fire safety for electric utilities and communications infrastructure
- April 7, 2009: CPUC A.08-12-0212: SDG&E'S Proposed Proactive De-energization. Comments made at Public Participation Hearing Alpine Community Center
- September 4, 2009: CPUC Application No. 09-08-003:RE: SDG&E's ECO (Jacumba & Boulevard) Substation Request for full CEQA/NEPA EIR/EIS review and local hearings.
- September 8, 2009: Oppose: SDG&E Power Shut-Off Plan (A-0812021) It is discriminatory action against our low-income rural communities that are also being forced to bear an undue share of new energy infrastructure which represents new fire threats.

DOE:

- January 7, 2008: DOE / EIS 0386: Comment letter on the Programmatic EIS Designation of Energy Corridors on Federal land in the 11 western States

- March 21, 2008: OE Docket No. PP-334 comments: Application for Presidential Permit; Baja Wind US Transmission (AKA La Rumorosa Wind and Energia Sierra Juarez).
- September 3, 2008: Response to OE Docket NO-PP-334: Notice of Intent to Prepare an Environmental Assessment for Sempra Generation's Baja Wind, U.S. Transmission, LLC. & Request for a full Environmental Impact Statement.

Cleveland National Forest:

- September 11, 2009: Oppose: Wind energy MET tower proposal for Cleveland National Forest's Fred Canyon area.

County of San Diego:

- February 5, 2005: Board of Supervisors, 2-9-05 Agenda, Item # 13: 4995-1 Updated Groundwater Investigation and Water Well testing Report by John Peterson for Spring Mtn subdivision (Rancho Finis Tierra)
- February 20, 2007: Comments on County's Guidelines for Determining Significance and Report Format and Content Requirements for Groundwater Resources
- May 29, 2009: Request to San Diego County for public hearing for Invenergy LLC's MET tower application # AD 09-017 on Tierra Del Sol Road.

Other:

- February 23, 2006: Response to PPM Energy (now Iberdrola) letter regarding local stakeholder meetings for wind energy projects on BLM local land.
- September 9, 2009: Response/protest to US Border Patrol EA and FONSI for new Boulevard station.
- September 17, 2009: BIA: request for full EIS and local scoping hearings for Kumeyaay Wind II

Conclusion

Please take our well justified concerns to heart, regarding the unnecessary long-term significant impacts represented by these multiple industrial energy and transmission projects and other documented cumulative impacts to our low-income rural communities. The impacted human and natural communities, along with the general public good and public purse, are far better served by focusing attention and investments towards point of use energy production along with real energy efficiency and energy conservation efforts. This in turn will help protect important wildland and recreation resources for current and future generations of both people and wildlife. Real fair market Feed-In Tariff's are one of the fastest ways to spur point of use generation and provide added incentive to conserve energy so more is available to sell back to the grid.

Sincerely,

Donna Tisdale, Chair
619-766-4170

Boulevard Planning Group
P.O. Box 1275
Boulevard, CA 91905

Mrs. Ellen Russell
Office of Electricity Delivery and Energy Reliability
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0350

September 3, 2008
VIA E-MAIL

Response to OE Docket NO-PP-334: Notice of Intent to Prepare an Environmental Assessment for Sempra Generation's Baja Wind, U.S. Transmission, LLC. & Request for a full Environmental Impact Statement.

The Boulevard Planning Group is an elected advisory land use group serving the approximately 1,600 people who live in the rural Eastern San Diego County community of Boulevard, the San Diego County Board of Supervisors, and various county agencies. At our regular meeting held on August 7, 2008, our group voted unanimously to submit this letter requesting a full EIS and addressing our serious concerns with the proposed project, and the numerous significant and cumulative impacts from other connected direct and indirect actions for multiple interconnected and related energy generation and transmission projects in our area. We also hereby submit and incorporate all previous comments submitted by our group to the DOE on this project. See attachments.

Project review is being improperly piecemealed

The proposed cross-border transmission project does not exist in a vacuum and cannot be treated as a singular, separate, unconnected action. Other projects with connected, related, direct, indirect, and/or cumulative impacts, and effects include the following:

1. Sempra Generation's proposed and highly controversial 1,250 MW Baja Wind/La Rumorosa Wind/Energia Sierra Juarez project, which has yet to complete environmental reviews or receive any permits from Mexican agencies SEMARNAT or CRE. It is important to note that this project is beyond review by local, state, or federal agencies on the US side.
2. Sempra's existing LNG line through project area leads to the reasonably foreseeable potential for gas-fired power plants to be built in the La Rumorosa/Jacume area and accessing the US grid via Sempra Generation's proposed cross-border transmission line. Again, the gas-line, and quality of gas, and emission standards is beyond review by local, state, and federal review on the US side unless and until it crosses north of the border.
3. SDG&E's existing 500kV Southwest Powerlink (SWPL). SDG&E, Sempra Generation, and CAISO report a remaining SWPL capacity of 80 MW. Others point to a Department of Water Resources contract expiring in 2011 that will free up to 1,200-1,600 MW of capacity.
4. SDG&E's proposed and highly controversial 500kV Sunrise Powerlink. This project is currently in the CPCN process and joint environmental review under California Public Utilities Commission (CPUC) and the Bureau of Land Management (BLM). The comment deadline on the recirculated DEIR/SEIS ended August 25, 2008. SDG&E, Sempra Generation, CAISO, and others say this new

line is needed to move energy from any project that exceeds 80 MW. Again, others disagree.

5. SDG&E's proposed and highly controversial 80 plus acre ECO Substation east of Jacumba, will need to undergo review by CPUC and San Diego County, and is needed to connect new energy generated at La Rumorosa (wind and/or "hot" gas) and/or highly controversial proposed wind energy generated on BLM land in Eastern San Diego County and/or Western Imperial County to SWPL, and then to the yet-to-be-approved and legally challenged Sunrise Powerlink. No application has yet been filed with CPUC for the ECO Substation.
6. SDG&E's proposed expansion of the Boulevard Substation from 1/4 acre to 3/4, onto private property, is reportedly needed to accommodate proposed and highly controversial wind energy generation on BLM land in Boulevard's McCain Valley. This is part of the ECO Substation proposal. No CPUC application filed.
7. SDG&E's proposed 14 miles of new 69 kV line between Boulevard and Jacumba including new and expanded easements up to 100' in width are needed to tie an expanded Boulevard Substation to SDG&E's proposed ECO Substation, then to SWPL, and then to the illusive Sunrise Powerlink. Again, this is part of the ECO Substation proposal. No CPUC application filed.
8. In late July, the BLM filed a Notice of Significant Changes for the Final EIS for the Eastern San Diego County Resource Management Plan, drastically downgrading Visual Resource Management Classifications and increasing the amount of wind energy access by over 13,000 acres just in Boulevard's McCain Valley Resource Conservation Area and National Land Cooperative alone. Added to the previously proposed 6,900 McCain Valley acres, the new total is 20,000 acres. Comment deadline ended August 27, 2008. This Planning Group and others are protesting the changes.
9. Another new substation and at least 7-10 more miles of new 69 kV line, on new and expanded easements, are needed to connect PPM Energy/Iberdrola Renewables' highly controversial proposed 200 MW wind project, on BLM land in Boulevard's McCain Valley, to the expanded Boulevard Substation. The proponent has not filed an amended Plan of Development with BLM, gone through the necessary NEPA/CEQA review process, or yet acquired the necessary access or easements for this new transmission line. The County of San Diego has determined that a Major Use Permit (MUP) will be required. No MUP application has been filed.

Recirculation of the revised Sunrise Powerlink DEIR/EIS document was based on CEQA/ NEPA requirements to address the new significant environmental impact; substantial increase in the severity of an environmental impact; and requirements to address significant new circumstances and environmental concerns related to "connected actions" analyzed in the Draft EIR/EIS. Sempra's expansion of their proposed Baja Wind/La Rumorosa project was the main trigger for recirculation. This alone is justification for a full EIS for the Presidential Permit Application for the proposed project. To see the Sunrise Powerlink documents, go to:

<http://www.cpuc.ca.gov/PUC/hottopics/1Energy/A0512014.htm>

**A full and legitimate EIS/EIR is required by both NEPA and CEQA
Significant and cumulative bi-national negative impacts which need to be fully reviewed,
analyzed, addressed and mitigated, include but are not limited to the following:**

- Non-compliance with NEPA & CEQA

- Direct and indirect connected actions include multiple energy and transmission projects
- National Security / Acts of Terror
- Military and Homeland Security line of sight Radar
- US Customs and Border Patrol operations and radio communications
- Law Enforcement and Emergency Services radio communications
- Increased utility rates from heavily subsidized and intermittent wind energy and backup generation
- Public Interest
- Environmental Justice
- Community Character
- Non-compliance/conformance with local land use plan
- Non-compliance with local and state energy policies
- Introduction of industrialization and skylining of undeveloped landscape and ridgelines
- Visual Resources: high quality, geographically extensive, significant and uncluttered viewsheds
- Property values
- Noise
- Air quality / Green House Gas Emissions
- Groundwater and surface water
- Storm water runoff / erosion
- Health
- Tourism and tourism based businesses
- Recreational resources and experiences
- Growth inducement, for both energy and transmission projects, and related sprawl
- Grid reliability / Imperial Valley Substation is Achilles heel of multiple interconnections.
- Importation of power from generation sources that may not comply with state and federal law
- Reasonably foreseeable potential for “hot” gas-fired power plants to access new power line
- Cultural and Historical Resources
- Sacred indigenous sites / Table Mountain and more
- Condor reintroduction plan
- Bats & raptors
- Big Horn Sheep
- Quino Checkerspot Butterfly
- Designated Critical Habitat
- Binational wildlife corridors and habitat
- Binational ongoing conservation efforts for the Park to Parque
- Geographically extensive, significant, and uncluttered visual resources/viewsheds
- Anza Borrego State Park
- Wilderness Areas
- Areas of Critical Environmental Concern

Multiple changes to project name and hearing dates obfuscate public scrutiny

The original name of the project as noted in the December 2007 Presidential Permit Application was *Baja Wind*. A packet handed to two members of our planning group (Tisdale& Parsons) on June 12, 2008 by Sempra Generation’s Alberto Abreu, bore the title *La Rumorosa Wind Project*, now we are told the new name is *Energia Sierra Juarez*. It is difficult for interested parties and the public to keep track of, and comment on, a project when the name, and the project itself, keeps changing. The same is true for multiple hearing date changes. It was reported by a representative for the Highland Senior Center, where hearing was held, that the DOE first set a hearing date in March and never called to cancel it. After that so many more

dates were set and cancelled that they quit marking the dates on the calendar. The lack of timely communication regarding those changes is unsettling. The constant changing of names and hearing dates could be perceived as an attempt to evade or dilute legitimate public participation. Small rural communities do not have Sempra's budget or staff which makes it difficult to stay on top of all the changes and keep the community properly informed.

August 26th Jacumba DOE EA Scoping hearing: Issues and new information

We do want to express our appreciation for the DOE holding the EA public scoping hearing in the impacted community rather than downtown San Diego or Washington, DC. However, it was rather disappointing to see the degree to which DOE ran guard for Sempra. The obvious DOE defense of Sempra led one member of the public to directly ask if the DOE representative was acting as counsel for Sempra. Another citizen said he was lodging a formal complaint, on the record, that DOE has an improper relationship with Sempra and that improper communication was going on during the hearing—referring to when Sempra's Joe Rowley stepped up and whispered in DOE's Brian Mill's ear during the hearing, and other obvious interactions. It was also odd the way both two-hour hearings were broken up with long breaks in between public comment sessions. Some expressed concern that this was a well-known tactic used to distract folks and to diffuse the energy in the room by dividing the public up into separate little groups for individual, off-the-record conversations, and attempts to persuade them to support a completely undefined and questionable project.

Sempra's Joe Rowley did eventually answer some questions, on the record, after it became apparent that the lack of their participation was working against them. Sempra's communications guy, sitting next to Rowley had obviously carefully coached Rowley's weasel-worded statements. It is clear that one of the main issues: ***Will there be gas-fired power at this location in the future?*** is being ducked. Contracts, agreements, and presidential permits can and will be renegotiated and /or amended to accommodate any future change in plans.

New information: Sempra Generation's Alberto Abreu stated, on the record at both hearings that Sempra now has 314,000 acres under lease along the Sierra Juarez in Northern Baja. This vastly increased acreage represents the potential for vastly increased environmental and other impacts, including impacts to the US grid, and the potential for additional bi-national infrastructure and related and cumulative impacts, and needs to be addressed in a full EIS.

Public Interest rationale is exploited DOE / BLM are vastly understaffed /rely on proponents/conflict of interest

During research and review of this and other projects, and conversations with a variety of staff, it has become alarmingly apparent that the Department of Energy, the Bureau of Land Management, and other government agencies, are so overworked, understaffed, and underfunded, that they have become overly reliant on project proponents for much, if not all, of the technical, environmental, and legal review of their very own projects. This fox guarding the hen house approach seems to well serve the best interest of those who stand to gain financially while the public's best interest takes a very distant back seat. In our opinion, this not only represents a serious conflict of interest, it represents a failure on the part of our public agencies to protect, defend and uphold the public trust. The well entrenched "business as usual" is adverse to the public interest.

The failure to uphold the public trust and interest, in order to serve the demands of a foreign-owned proponent, was especially blatant in the July 2008 BLM Notice of Significant Changes to the Eastern San Diego County Resources Management Plan. By comparing the proponent's protest letter demanding the

unwarranted significant changes, it is obviously apparent to us that the proponent virtually wrote the self-serving changes and the BLM published them in Federal Register.

The Federal Register Notice for this project states that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after favorable recommendations from the US Departments of State and Defense. It further states that in determining consistency with the public interest, the DOE also considers environmental impacts of the proposed project under NEPA, determines the projects impacts on electric reliability, including adverse effects on the operation of the US power supply system, and other factors that DOE may find relevant to the public interest.

**Failure to disclose two critical facts:
Sempra Pipeline and Storage's existing LNG line runs through project lease
area and a new waterline is being installed.
Transmission+gas+water = gas-fired power plants**

The proposed 1,250 wind energy project appears to be another green washed front to allow a much different and more controversial project to move forward under the radar. Sempra Generation withheld critical information, willfully or negligently, from the DOE and the public, thereby, creating the false impression that only wind energy would, or could, be generated at, and transferred from, the La Rumorosa/Jacume area. Sempra Generation failed to disclose that Sempra Pipelines & Storage's Gasoducto Bajanorte, the existing 30"- 140 mile long LNG pipeline, with the capacity to move 500 million cubic feet per day, crosses land leased, from Ejido Jacume, for their La Rumorosa /Baja Wind / Energia Sierra Juarez project. <http://www.semrapipelinesandstorage.com/bajaMap.html>.
<http://www.gasducto-bajanorte.com/English/project.htm>

They also failed to disclose the fact that a new water pipe line (approximately 30-36") is currently being installed through the same area (see attached photo of water pipeline going in along Old Rt 2 in El Hongo). NEPA and CEQA requirements for a full discussion of the facts and any reasonably foreseeable direct and indirect consequences, in EIS/EIR documents. This type of new information triggered a recirculation of the Sunrise Powerlink DEIR/SEIS. Those same NEPA and CEQA requirements trigger the need for a full EIS/EIR for this project.

All three elements required for a new gas-fired power plant will be in place at La Rumorosa / Jacume; transmission, natural gas, and water. When you add a new cross-border transmission line and a new water line, to Sempra Energy's existing Gasoducto Bajanorte gas line, and Sempra Energy's brand new \$1 billion Energia Costa Azul LNG Facility on the coast south of Tijauna, the potential is clear. The 140-mile northern Baja LNG pipeline, is also reportedly undergoing an expansion and addition of a 45-mile spur to connect to the new Energia Costa Azul LNG receipt terminal, and looping and compression on the existing line. The combination of the above noted on-the-ground facts represents the reasonably foreseeable consequence of a gas-fired power plant at this site. This scenario is similar to Sempra Energy Resources' cross-border transmission line built to serve their 600-625 MW Termoelectricia de Mexicali, gas-fired power plant near Mexicali, Mexico, and Intergen's 750-900 MW gas fired power plant, which both connect to the Southwest Powerlink and the grid at the Imperial Valley Substation. We know that the DOE's approval of Presidential Permit Application for those cross-border powerlines, based on an inadequate EA, was successfully challenged. <http://www.power-technology.com/projects/mexicali/>
http://www.signonsandiego.com/uniontrib/20080829/news_1b29lng.html

Increased reliance on expensive intermittent wind energy and importation of energy from out-of-country fails to justify project claims of public interest or grid reliability

Increasing reliance on importation of energy, wind or gas-fired, from Mexico, in a volatile and violent section of the US/Mexico border, does nothing to maintain reliability. Baja law enforcement officers have sought asylum in the US to escape the ongoing bloodshed.

The Mexican military has been installed to take charge of the border region due to entrenched, violent and well-organized and well-armed criminal cartels. Mexican law enforcement agents are given a choice to work with the cartels or die. It is routine to read about the discovery of drug/human smuggling tunnels, and decapitated and tortured bodies in the Northern Baja region. The violence and kidnappings has spilled over into the US. We live on the border and know this is not an issue to be taken lightly. We also know that the cartels and Mexican Mafia have infiltrated the border region and will not hesitate to smuggle in terrorists or hire out for acts of terror.

In the event of a leftist take-over or military coup, energy generation and transmission systems could be nationalized as has occurred in Venezuela under Chavez, and elsewhere.

Increasing reliance on intermittent wind energy, which requires backup generation of up to 90% of the nameplate capacity, does nothing to maintain or increase reliability. It does however, provide a good excuse for Sempra Generation, or other Sempra relatives, to build gas-fired back up generation in the area.

Interconnecting all of the existing and proposed new generation and transmission projects to the same remote and vulnerable Imperial Valley Substation, again in the volatile US/Mexico border area, in an area subject to major earthquakes, significantly reduces overall reliability and fails the public interest test.. Those projects include but are not limited to: the *existing* 500 kV Southwest Powerlink; Sempra Generation's 625 MW Termoelectricia De Mexicali power plant; Intergen's 750-1,000 MW La Rosita power plant (not sure how much is imported from Intergen) and the *proposed* 500 kV Sunrise Powerlink; Stirling Energy Systems 750-90 MW Solar Two; Sempra Generation's 1,250 MW Baja Wind/Energia Sierra Juarez; PPM Energy/Iberdrola Renewables 201 MW wind energy project on BLM land in Boulevard.

Increased reliance on intermittent, expensive, and imported wind energy will result in increased costs to rate and taxpayers

According to research conducted by WindAction.org, subsidies for wind dwarf most types of fuel at \$23.37 MWh, and due to their low rate of actual production (10-30% of nameplate capacity), they require up to a 90% backup from companion generation—usually natural gas. So, a 200 MW wind farm could require up to 180 MW of backup generation. Recent articles state that California has set a high Market Price Referent of around \$100/MWh and that has prices have been driven up. Analysts reported 2007 wind energy prices of \$85-100/ MWh. We have no doubt that Sempra will succeed in convincing the powers that be that their imported wind energy qualifies for full RPS, Green House Gas credits, and whatever else they ask for.

Sempra, and various subsidiaries, control the local gas market and will benefit from the need to provide gas-fired backup. Baja Wind/La Rumorosa/Energia Sierra Juarez will provide an excellent location for new gas-fired power with a new trans-border transmission line, an existing LNG line, and a new water line in the process of being installed. Sempra will benefit from all of the wind and gas energy revenue and SDG&E will benefit from all the new transmission infrastructure that will be needed to move that energy.

Wind energy is going for around \$100 /Mwh and represents increased costs for ratepayers: In the Sunrise Powerlink project CAISO'S Draft Preliminary Result's - Sunrise Economic Evaluation - Critical Assumptions Page 5 (per Aug 22 workshop handout) shows a RPS Value of 66 \$/MWh for wind which is far below California's Market Price Referral (MPR) which is around \$ 100 /MWh. This sets a high asking price for wind output regardless of what a project costs to build. A July 1, 2008 article (renewableenergyworld.com :Westward HO! US utilities scramble for wind) reported that: The increased pressure to comply with RPS mandates has created a volatile market which is putting upward pressure on wind prices. In 2006 levelized cost of wind was expected to be \$55-70/MWh. An analyst in Oregon stated that the delivered prices for wind power for 2007 ranged from \$85-\$100MWh. California's RPS established a (MPR), of around \$100 /MWh, which is essentially the price below which utilities will likely be able to gain recovery from ratepayers. The MPR varies depending on the year a project comes on line and the project length. A spokeswoman for the California Energy Commission was quoted as saying the 2007 MPR ranged from \$92-111/MWh. This discrepancy, which represents significantly higher costs for wind energy, and the negative impact on ratepayers, appears not just a foreseeable consequence of a connected action, it is a new reality which we have asked to be addressed in another revised and recirculated Sunrise Powerlink DEIR/DEIS

Industrial scale wind energy also carries huge subsidies and tax benefits, including: Production Tax Credits, Advanced Depreciation, Investment Tax Credits ,the sale of Green House Gas credits, tax shelters, tax waivers, full RPS credit for less than full capacity production, a sale price of around \$100 per megawatt hour, plus the potential for the expense/cost of renewable energy, purchased to meet their mandated Renewable Portfolio Standard (RPS), to be recovered from ratepayers. These benefits may provide even more largesse for companies, and /or their parent company and subsidiaries, when they own both generating capacity (including wind farms, and gas-fired back up generation for wind farms) and distribution operations as appears to be the case here with multiple Sempra entities. (California's 2007 Market Purchase Referent (MPR) ranged from \$92-111/Mwh (www.renewableenergyworld.com/rea/news/reworld/story?id=52691).

Other significant issues and questions

2007 tracked Condor flight along Sierra Juarez. The little town of El Condor near La Rumorosa was named for obvious reasons. Condors like to glide in the updrafts along the Sierra Juarez where the turbines are proposed. According to the linked article below, in April 2007, a tracked Condor, from the California Condor reintroduction program, flew along the Sierra Juarez project area and into Eastern San Diego County and back. The Condor was released in Baja in 2002.

http://www.signonsandiego.com/uniontrib/20070408/news_1n8mexweek.html

How much acreage is really involved with Sempra Generation's proposal for up to 1,250 MW of industrial wind energy, 7,500 acres or 314,000 acres? If it is proposed for the approximately 7,500 acres as previously stated, it appears to either overstate the proposed installed capacity of the project or to

vastly understate the amount of acreage needed to accommodate a wind energy project of that size and scale. According to the California Energy Commission's "Overview of Wind Energy in California", the average wind farm requires 17 acres of land to produce one megawatt of electricity. If true, the 1,250 MW wind farm would require at least 21,250 acres, not the proposed 7,500 acres. If the project will be spread over the newly announced 314,000 acres under Sempra control, then this needs to be fully confirmed and analyzed in a EIS.

Where will the water come from? For turbine construction in La Rumorosa, the Sunrise Powerlink RDEIR/SEIS document states that about 6,000 gallons of water is needed for concrete for each turbine footing. While this issue is under Mexican jurisdiction, and should raise serious questions and concerns, there should be no manner of cross border water supply/transfer approved or allowed..

The 1,250 MW La Rumorosa Wind project is beyond US, California, and San Diego County regulation or control. Environmental studies are incomplete and lack approval from Mexican agencies SEMARNAT and CRE. At the June 12, 2008 meeting in Jacumba, Alberto Abreu, Director Project Development for Sempra Generation, and Kelly Prasser Regional Manager, Corporate & Community Relations, Sempra Energy, informed two Boulevard Planning Group members (D. Tisdale & B. Parsons) that they had nine anemometers in place and only one year of wind data for La Rumorosa, they are reportedly working with Mexican Ecology Institute on avian and bat surveys "in Mexico", they are trying to get the San Diego Zoo involved in Condor and Golden Eagle surveys, and they had not yet conducted micro-wave beam path study for radar impacts –which may end up reducing the number of turbines allowed. Radar impacts at Arborfield near the Heathrow airport recently resulted in a reduction of proposed turbines.

Phase I of La Rumorosa's proposed wind production was originally purchased by SCE and later withdrawn (8-4-08) after the Power Purchase Agreement was challenged by the CBD/Sierra Club in a letter to the CPUC (1-29-08), stating that the project appears likely to violate an international treaty, state, and federal environmental law. And yet, Sempra still displays the Southern California Edison (SCE) Power Purchase Agreement on their webpage.

<http://www.semprageneration.com/development.htm>

The Sempra PPA-334 application addendum (3-19-08) states that they have eliminated their initial activity described in their December 2007 application to install 10 MW of wind generation to be interconnected locally to the CFE electrical grid (Jacume project). Has Ejido Jacume been notified of this change, or would they be advised later that "the experimental turbines just didn't work out as we had planned—so no electricity for you".

Visual Resources / vast uncluttered vistas are treasured:

Residents and visitors alike, admire, enjoy and expect to continue to enjoy, our glorious sweeping and uncluttered vistas. There are numerous geographically extensive high quality visual resources and view sheds from the high points of Boulevard that straddle the Tecate Divide. The La Rumorosa project area of the Sierra Juarez is highly visible from many sections of Tierra Del Sol Road and general Tierra Del Sol area along the Tecate Divide, also from the Tierra Heights and Jewel Valley area of Boulevard. It is also highly visible from east bound Historic Route 80 as you crest the Tecate Divide at Tierra Del Sol Road, and from miles of I-8. Due to the extensive height of the turbines, in excess of 400 feet with blinking lights, they will also be visible from many parts of Anza Borrego State Park, Jacumba Wilderness Area, the Pacific Crest Trail, Table Mountain, Carrizo Gorge Canyon Wilderness Area, McCain Valley Resource Conservation Area, and from many other locations on both sides of the Sierra Juarez/In-Ko-Pah Mountains and from both sides of the US/Mexico border. These significant visual impacts and degradation of high quality view sheds become even more overwhelming when you add in the cumulative impacts from the increased wind energy access on

BLM lands in McCain Valley (PPM Energy/Iberdrola Renewables 200 MW Tule Wind Project), and on tribal and Ejido lands, and elsewhere. (See attached photos with panoramic views of the Sierra Juarez)

SDG&E's ECO Substation

The SDG&E project manager and the La Rumorosa representative have both stated, that the Jacumba/ECO Substation had been moved further to the west to avoid Big Horn Sheep Habitat, even though they expected USFW to move the BHS boundary to the north of I-8. After reading earlier testimony from Ester Rubin regarding BHS movement under and south of I-8, and knowing the pressure reportedly applied to various federal agencies, under the current administration, this raises concerns that undue pressure may have been applied to the USFW to benefit the proposed project. The area is also Quino Checkerspot Butterfly habitat and more.

The Sunrise Powerlink RDEIR/SEIS at Page 2-6: states that a 300,000 gallon water tank will be installed along with a fire-prevention system and hydrants. The entire San Diego backcountry is reliant on well water with no viable alternative or access to imported water. Where will that amount of water come from and how will it be delivered? If delivered by truck, have those additional vehicle trips/emissions been factored in? Emergency generators should be required to run on propane and not on diesel. There are also concerns with impacts on archeological, cultural, and historic resources, and on our dark skies. This area is one of the last dark sky areas in all of Southern California.

SDG&E Boulevard Substation demo, 14 miles of new 69 kV line and 100' easements, and a Wooden to Steel Pole project:

SDG&E's proposed ECO Substation includes 14 miles of new 69kV line between the ECO and Boulevard Substations, and expansion of the Boulevard Substation from 1/4 acre to 3/4 acre. This is yet another separate review by the CPUC and the County of San Diego. As of August 21, the SDG&E project manager, Darren Weim, stated they are close to having the Proponent's EA document ready and will attach it to Permit to Construct (PTC) application and file the package with the CPUC perhaps by September. S.DG.&E has informed us that they will need a new 100' wide easement for the 69 kV line adjacent to SWPL. A majority of the segment running along the 12kV easement from Boulevard to SWPL will require also new right of way. The easements where they will over build the 12 kV with 69kV will need to be widened from around 30 ' to 100' to accommodate the transmission needs. Much of these impacts and intrusions will occur on private property. And those impacted property owners are not happy campers.

Previously undisclosed impacts from SDG&E's proposed Jacumba/ECO Substation and the recently disclosed demolition of their existing 1/4 acre Boulevard Substation to rebuild the new 3/4 acre Boulevard substation (to accommodate wind energy) will most likely result in a repeat of the 2005 situation when SDG&E's 69 kV line had to be recondored to accommodate the 50 MW Kumeyaay Wind Facility. Boulevard, Jacumba, and several tribal communities, were taken off-grid and placed on 2-3,000 HP diesel emergency generators approximately 2 months. (Boulevard Planning Group letter to SDG&E 3-16-05 & Meeting Minutes for 3-3-05). We suffered through repeat power outages, brown outs, and surges. Locals reported that they suffered damaged and lost equipment including well pumps, appliances, computers, an incubator and ostrich eggs. This time around, we want an independent monitor to record the power surges and brown outs so we have evidence to secure reimbursement from SDG&E for damaged equipment and other

losses.

The Sunrise Powerlink RDEIR/SEIS document wrongly states At page 2-24, 2-29, 2-50: that due to the substation expansion involving already developed land, no special status plants species have a potential to occur. According to the property owner whose property abuts the Boulevard Substation on the east, SDG&E made an offer to purchase her property for the substation expansion, reportedly stating they needed her property because the property to the northwest, originally proposed for the expansion, has some environmental issues that would prove problematic for them. As of August 22, SDG&E had not further pursued purchase of the property to the east. Neighbors have expressed alarm and concerns with extended disruptions and negative impacts from this proposed substation expansion new transmission lines, new and expanded right of ways, noise, light, dust, disruption of power, reduced property values health impacts and more.

SDG&E has also proposed a Wooden to Steel Pole project for their 69 kV line that runs west from the Boulevard Substation. While the project manager for the ECO Substation has stated the two projects are not related, yet, another SDG&E proposal to build a new substation in Jamul in addition to another Wooden to Steel Pole project there, has raised eyebrows. This new development may represent the initiation of a scenario put forward by SDG&E's Jim Avery at an April 28, 2006 meeting with myself (Donna Tisdale), Kelly Fuller, and Don Parent: *If Sunrise Powerlink is not built, SDG&E will have to upgrade two smaller transmission lines that connect Boulevard to San Diego. In 2003-4 the estimated cost was \$200-300 million dollars.* On August 28th, Jim Avery confirmed in a phone conversation (w/Tisdale) that 200 MW of wind energy is needed to tap into the Southwest Powerlink. In 2003-4 the estimated cost was \$50-75 million. That \$50-75 million estimate does not include inflation related costs or include the new 10 miles or more of new 69 kV line from McCain Valley to the Boulevard Substation, or the private easements that need to be obtained and purchased by any wind energy developer.

BLM Notice of Significant Changes/triples wind energy access & impacts:

The July 2008 BLM Notice of Significant changes for the Final EIS for their Proposed Resource Management Plan for Eastern San Diego County (DOI/BLM Notice # 4310-40, 7-28-08) significantly downgrades Visual Resource Management (VRM) Classifications in order to increase wind energy access from the previously proposed 6,900 acres to over 34,000 acres, including Lark Canyon OHV Park and Cottonwood Campground. PPM Energy /Iberdrola Renewables' proposed Plan of Development, for their Tule Wind project in McCain Valley Resource Conservation Area and National Land Cooperative, is currently being revised to address the significant increase in available acreage. The PPM Energy/Iberdrola wind energy project is the current reason for the proposed expansion of the Boulevard Substation and the 14 miles of new 69kV line to the Jacumba/ECO Substation. This does not include the new transmission line that will be needed to connect Tule Wind to Boulevard Substation. The tripling of wind energy access on BLM lands changes the dynamics of potential wind energy in the Boulevard/Crestwood area, including tribal projects, creating a multitude of cumulative negative impacts that need to be addressed in a full EIS.

Much of the ruggedly beautiful McCain Valley Resource Conservation Area and National Land Cooperative will be downgraded from VRM Class II to Class IV, which allows the most destruction and negative visual and other impacts possible, all at the request of one foreign energy corporation who is also the main beneficiary. The sole impetus for these new and significant changes is the January 2008 protest letter, from PPM Energy/Iberdrola Renewables, protesting that the proposed access to 6,900 acres of public land was not enough. While forcefully and greedily demanding more access, they failed to mention that they already have Right of Ways securing another 44,400 acres of BLM land, for wind and solar, within in the BLM's California Desert District, alone. How much public land and American taxpayer funded subsidies

and other benefits will our government give them? These unwarranted changes will result in a tripling of the already significant and cumulative impacts to our natural, cultural, and visual resources, to community character, and community disruption during construction and operation. The community of Boulevard, along with the tribal communities of Campo, La Posta, and Manzanita will bear the heaviest burden of these cumulative negative impacts.

Conclusion

The proposed project is so interconnected and intertwined with so many other projects that it cannot be considered a **stand alone** project. In fact, the proposed project is viewed by our group and others as a deceptively green-washed *driver* for approval of SDG&E's highly controversial and legally challenged Sunrise Powerlink project.

The significant and cumulative impacts from those multiple projects are staggering and far reaching. The proposed project does not by any means, or stretch of the imagination, meet any qualifications for approval with an EA. It is adverse to the public interest, energy reliability, energy costs, the environment, wildlife and more.

It is our strong opinion and belief that there is no way that the DOE can legally or ethically deny the increasing calls for a full Environmental Impact Statement for Sempra Generation's Presidential Permit Application for their 500 kV cross-border transmission line. All of the legitimate and significant issues raised by the CPUC in their Sunrise Powerlink RDEIR/SEIS, by our community planning group, by the County of San Diego, by the Center for Biological Diversity / Sierra Club and by many other citizens and interested parties, need to be fully and fairly reviewed, analyzed and addressed in a full EIS prior to any approvals for this controversial project or any of the other related and connected projects. We look forward to receiving the Notice of Intent to Prepare and EIS for this project.

Sincerely,

Donna Tisdale, Chair

CC: Interested parties

Attachments:

Photo of new Baja water line

Panoramic (1) photo/view of Sierra Juarez ridgeline from Old 80 and Tierra Del Sol in Boulevard

Panoramic (2) photo/view of Sierra Juarez ridgeline from Jewel Valley Way in Boulevard

Panoramic photo/view of snow covered Sierra Juarez ridgeline from McCain Valley

SDG&E draft map of ECO Substation and 14 miles of new 69 kV line to Boulevard Substation

BOULEVARD PLANNING GROUP
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Iain Fisher
CEQA Project Manager
CPUC Energy Division
Transmission & Environmental Planning
505 Van Ness Avenue, Room 4a
San Francisco, CA 94102-3298

September 4, 2009

**RE: SDG&E's ECO (Jacumba & Boulevard) Substation CPUC Application No. 09-08-003:
Request for full CEQA/NEPA EIR/EIS review and local hearings.**

Dear Mr. Fisher,

At our regular public meeting held on September 3rd, our community planning group (advisory to San Diego County) voted unanimously to formally request a full EIR/EIS for SDG&E's ECO Substation project, which includes a major expansion of our Boulevard Substation and much more. SDG&E's proposed "expedited ex-parte" approval for this controversial project is unjustified. With multiple related and interconnected wind energy and transmission projects—in two countries—the staggering significant and cumulative impacts to several rural low-income communities (including Mexican ejidos) demand a full CEQA/NEPA EIR/EIS review process with public hearings held in the impacted communities. Boulevard and Jacumba are the most impacted US communities.

Two SDG&E representatives, Don Parent and Alan Dusi (current ECO project manager), were present at last night's meeting. Campo tribal Chair, Monique La Chappa was also there to answer questions on their proposed 160 MW wind energy project, in partnership with SDG&E and Invenegy Wind, which will also connect to the ECO Substation. New and upgraded lines and another substation will be needed for the new Campo project. In response to questions, Chairwoman La Chappa was adamant that the ECO Substation is not connected to Sunrise Powerlink. Don Parent and Alan Dusi also took that position.

However, the Planning Group pointed out that the EIR/EIS for Sunrise Powerlink stated that the two were connected actions as is Sempra's Energia Sierra Juarez binational wind energy /transmission project. When asked if SDG&E had disclosed the ECO / Sunrise connection to Chairwoman La Chappa, prior to her signing the requested support letter, Mr. Parent said it was not his place to so, further stating that she should have known. The Campo Band opposed the Sunrise Powerlink. When later asked if SDG&E had offered the alternative to connect the new tribal wind project directly to the existing Southwest Powerlink that crosses tribal lands on their southern boundary, rather than at the ECO Substation, she stated that the issue had not really been discussed.

When asked why the ECO PEA does not show or refer to the Sunrise Powerlink or Sierra Juarez infrastructure and turbines, the SDG&E response was that those projects were not approved when the ECO project was started. We pointed out that Sunrise was approved over 8 months ago and the

Sierra Juarez scoping documents show visual simulations of turbine locations on the Sierra Juarez ridgeline adjacent to the ECO Substation location. There was more than enough time to update the PEA prior to release.

For now, all we know about the new Campo wind project is that 5-6 MET towers were recently installed, without apparent notice, and that approximately 80 industrial turbines are planned. The regional office of the Bureau of Indian Affairs (BIA) is conducting an EA. One non-profit group has already sent a written request to the Area BIA office requesting a full EIS/EIR and our planning group voted to do the same. The existing 50 MW Kumeyaay Wind project, on Campo tribal land, has resulted in noise and other complaints from off-reservation neighbors and has suffered the shattering and shedding of a good portion of one giant blade adjacent to I-8. Our community was also taken off-grid during the almost 2-month reconductoring process to accommodate the transmission of Kumeyaay Wind. We suffered brown-outs, surges, and numerous outages during that time. Several locals complained of damages to sensitive equipment and appliances to no avail. We expect to suffer the same fate with the new projects.

Our group received one hard copy of the PEA on August 27th which did not allow much time for review and drafting comments prior to our regular monthly meeting on September 3rd.. Concerns were expressed by members of the public and impacted property owners with the apparent lack of documents made available for review at the local Jacumba Library or elsewhere. Many of our rural residents still have dial up internet service, or none at all, so the online PEA was not readily available.

The following are the initial comments that were approved at our 9/3 meeting:

1.1 Project Components:

1. The connection of this project to the Sunrise Powerlink via the Southwest Powerlink (SWPL) is a glaring omission.
2. The 600% expansion of the Boulevard Substation from 1/4 acre to 2 acres on residential zoned property is downplayed
3. A list and map of the proposed wind energy projects and analyses of their impacts is absent.

1.2 Project Location:

4. The names of the most impacted rural low-income communities, Boulevard and Jacumba is left out of this section. Why?

1.3 Project Need and Alternatives:

5. The ECO Substation application is premature. Full disclosure information on the location and significant and cumulative impacts of the proposed wind generation projects,

including binational impacts, that the need for this project is reportedly based on are not made available.

6. The planned project expansion with five 500kV bays, nine 230 kV bays (pages 3-22 to 3-13) represents the foreseeable need for additional transmission lines that must be addressed.

7. Alternative renewable energy projects at or near the point of use, such as SCE's 500 MW commercial PV project, would eliminated the professed need for this project, are absent.

8. The limited alternatives reportedly considered and rejected are not made clear or supported.

1.4 Agency Coordination:

9. The status of the BLM Right of Way process is not made clear in this document. What about the joint CEQA/ NEPA review process

10. Page 1-2 notes that Section 7 consultations with USFW under the Endangered Species Act have not been conducted. Peninsular Big Horn Sheep have been recently documented west of Jacumba where the project also crosses Quino Checkerspot Butterfly Critical Habitat

11. It is our understanding that members of local Native American tribes have been belatedly hired by SDG&E for the Sunrise Powerlink project. Word is filtering back that they are finding major problems with SDG&E's work. What is the status of review from impacted tribes for the proposed project? Pre-approval consultation and review for this project is also necessary.

12. Was the tribal Campo Executive Committee fully informed of the proposed projects connection to the controversial Sunrise Powerlink project that they refused to allow to cross their lands, prior to their submitting a letter of support? Or was this inconvenient detail omitted.

13. The Boulevard Planning Group has received notification for the MOU scoping for Sempra's Energia Sierra Juarez, but nothing for the ECO Substation project which impacts property under County authority in both the Boulevard. Planning Area. and the Jacumba Planning Area

14. The residential property purchased from Mary Schoepfer for the new 2 acre Boulevard Substation is zoned S92-General Rural which requires a Major Use Impact Permit (MUP) from the County of San Diego. SDG&E's proposed changes at the White Star Communications facility rebuild, which appears to include a back up generator, will require also require a MUP.

15. The almost 500 acres that SDG&E proposes to purchase in Jacumba is also zoned for low-density residential land use and will need a MUP as noted above. This is a lot of land that could be turned into one giant substation facility as stated in expansion plans. We believe this land was targeted by the County for conservation in their Multiple Species Conservation Plan.

1.5 Proponents Environmental Assessment (PEA) Contents:

16. Where are the exact wind generation locations that allegedly require gen-ties and this proposed “hub”?
17. Figure 3-9 states that “Map of Existing and Proposed system has been omitted from this document due to its confidential nature”. What??
18. Where are the environmental reviews for the related wind energy projects, including the length and routes of the various alleged gen-tie lines?
19. What are the cumulative and significant impacts from those multiple projects?
20. What are the alternatives such as the SDG&E/ Invenergy/Campo tribal wind proposal to connect to the SWPL where it crosses the southern boundary of Campo tribal lands?
21. (Footnote 2 page 1-3) There is no enforceable mechanism to ensure SDG&E’s voluntary public commitment to serve 33 % of their load from renewable energy by 2020.

Connected Actions:

22. CEQA mandates that an EIR identify and analyze all significant adverse effects of a project. (Pub. Resources Code, § 21100; Cal. Code Regs., tit. 14, § 15126.)
23. SDG&E’s application fails to fully and adequately describe the whole of the project and the combined impacts from the connected actions.
24. The Application does acknowledge that Sempra’s Energia Sierra Juarez (ESJ) cross-border 500 kV transmission line and 1,250 MW wind energy proposal *is a connected action*.
25. The Sunrise Powerlink FEIR/EIS found that Sempra’s Presidential Permit Application for their “La Rumorosa Wind” (now known as ESJ) project and the proposed “Jacumba” and “Boulevard” Substations (now the ECO Substation) are “but for” *connected actions*. Sempra’s Baja wind project is considered an Indirect Effect because it is out of the country. *See Sunrise FEIR/EIS Figure ES-1.*
26. The Presidential Permit Application for Sempra’s ESJ project states unequivocally

that *Sunrise Powerlink*, or other new transmission (none is proposed), is needed to move any new energy out of the ESJ / ECO Substation area. See www.ESJprojectEIS.org

27. For the reasons noted above, and more, the ECO/Boulevard Substation project is therefore a connected action to the Sunrise Powerlink along with *all* the wind energy projects that are proposed to connect to through the two substations along with the multiple new 138 kV lines—not just the ESJ project.

28. All of these interrelated and interconnected wind and transmission infrastructure projects need to be analyzed as a whole to address the significant and cumulative impacts they represent to the impacted communities and nature.

29. The majority of these projects are concentrated between Boulevard and Jacumba / Jacume. Leaving these low-income rural communities with an undue share of the burden and impacts, raising environmental justice issues.

30. Sempra's existing Bajanorte Gasducto LNG line and a new water line run through their ESJ lease area. With a new cross-border 500 kV line as proposed for their ESJ project, they will have all the necessary ingredients for a new gas-fired power plant at the border on the Baja side: gas, water, transmission.

31. The reasonably foreseeable potential for gas fired power plant on Sempra's ESJ lease area, with increased GHG emissions is completely ignored.

32. Sempra has stated that when the wind doesn't blow and the sun doesn't shine, backup generation is needed. They see natural gas (LNG) as the go to option in the decades to come. They have invested billions in their LNG infrastructure in Baja including their Energia Costa Azul LNG receipt terminal near Ensenada.

33. The approval of the Sunrise Powerlink is the subject of multiple appeals / suits at the state and federal level and none of the proposed wind energy projects have completed the required dual NEPA/ CEQA review process. There is no assurance that any of them will pass that much scrutinized review and /or the legal challenges to follow.

Water:

34. Groundwater is proposed to be used at this site or water imported from IID in Imperial Valley. Which is it? IID water is generally very high in salts which could be problematic if a spill occurred. A 15 x 30 120,000 gallon water tank is also proposed.

35. 30 million gallons of water is projected for construction of the project (page3-53) which represents a lot of water for a desert environment if groundwater is uses. How much will be needed to operate the facility at the proposed and expanded stages?

36. A maximum amount of almost 570,000 gallons of oil for transformers is proposed to be used on-site (page 3-21). Leaks and spills can cause significant contamination of priceless groundwater resources. Especially for surrounding private property owners. Fractured rock aquifers are notoriously difficult if not impossible to remediate. Contamination can be carried off-site via a high-flow fracture at unknown rates and in unknown directions

37. In the event groundwater is used, what about draw down impacts to neighboring private property and public lands. How will the use and impacts be monitored and remediated? What enforcement measures are available?

38. Rural residential land has already been subdivided in the immediate area. What is vacant now may become a residence with the necessary water well.

39. Will any springs or seeps in the area, that endangered species, such as peninsular big horn sheep and others rely on for survival, be impacted by project related drawn down of groundwater levels in this area of highly fractured bedrock?

Soil:

40. Undisturbed desert soil and native cover reportedly act to sequester carbon on a par with forested lands. What are the impacts to the carbon sink attributes of the project site as represented by the proposed project and connected actions?

41. An estimated 140,000 cubic yards of soil may be imported to fill the project site. Will the imported soil contain invasive plants and seeds? How will that be monitored and mitigated?

Noise:

42. The introduction of industrial noise levels for construction, operation, and maintenance for this and all connected projects will be significant and cumulative. This will generate negative impacts to adjacent property owners and endangered and sensitive species who occupy and pass through the area, including big horn sheep, golden eagles, and reintroduced condors, and more.

43. Rural noise levels are generally lower than those in urban and suburban areas especially at night and sound carries further in our high desert air.

44. Construction at the Boulevard Substation could reportedly be ongoing for up to 12 hours per day for one year.

45. Impacts to recreation will also occur in adjacent areas.

46. Legitimate third party ambient noise levels should be taken prior to approval / construction to ensure the enforce ability of noise level mitigation requirements

Fire threat:

47. The increase fire threat and impacts, from the proposed and related projects, to our volunteer fire department and our human and natural communities needs to be addressed: Those projects include but are not limited to: The Sunrise Powerlink; hundreds of 40-60 story tall wind turbines at multiple locations, multiple transmissions lines and substations for each wind project including the Energia Sierra Juarez 500 kV line, the newly proposed Boulevard Border Patrol station for 250 agents with detention facility, and SDG&E's existing Southwest Powerlink and poorly maintained 69 kV lines, and the existing Kumeyaay Wind facility—which has already thrown at least one turbine blade.

48. All new transmission lines and other infrastructure should be placed underground to avoid increased fire risk in fireprone backcountry areas with inadequate fire protection

Visual & Dark Sky resources:

49. Lack of full disclosure: The maps and photo simulations in this project document purposely, irresponsibly, and inexplicably left out all of the proposed Sunrise Powerlink infrastructure and the 400-600 foot tall industrial turbines that will be skylined behind the ECO Substation, and more. When added to the existing Southwest Powerlink (SWPL), the proposed project substations and new transmission lines, all in the same corridor, and multiple turbine projects, the impacts are staggering for our rural communities, public lands, and private properties.

50. The scarring of the landscape by massive brush removal and grading is vastly understated. The newly graded areas show up starkly light against the darker brush cover and undisturbed soil and rock outcroppings. The visual impact is significant and highly visible from both close and afar.

51. Introduction and/or massive expansion of major impact industrial projects, with industrial scale lighting, new 2,900 foot by 30 foot roads, pads, 120,000 gallon water tanks and 10' high barbed wire topped security fencing in a scenic rural area, along scenic and historic roadways, is a devastating travesty to local communities and the small businesses that rely on a tourist /recreation based economy—including the nearby Desert View Tower and the Jacumba Hot Springs Spa.

52. Excessive lighting will have a significant impact on our prized dark skies. Fifty 300-watt tungsten-quartz lamps used for 'security and safety' will significantly degrade our dark sky resources in one of the last dark sky areas left in Southern California

53. When added to the blinking red night lights and flashing strobe lights on the connected action turbine projects, proposed for virtually every highly visible ridgeline in our open landscape area, the impacts are significant and cumulative.

Security & reliability:

54. The brightly lit facility will also serve as a beacon for illegal trafficking of drugs and immigrant through the area.
55. How reliable is it to import power from Mexico? What happens in the event of an overthrow of the government or terror attack on the generation and grid infrastructure by domestic and /or foreign operatives. Drug cartel kidnappings and ransom demands are a also a regular occurrence on the Baja side in our border region. They are reportedly moving into oil theft from Pemex and threats to infrastructure and could present a threat to our energy infrastructure in remote areas.

Property & Conservation Values:

56. There will be negative impacts not only to the remaining 94 acre portion of the properties purchased for the ECO Substation (pag 3-38) but to those immediately surrounding the proposed project locations and transmission routes, any the many properties that will view the significantly increased industrial infrastructure in our rural open space areas.
57. There will be negative impacts to the conserved and protected properties in the area, and those properties that may have been targeted for conservation and protection that will be impacted. One such property is the Jacumba-Eade property purchased in January 08 by The Nature Conservancy for inclusion into the Anza Borrego State
58. The County of San Diego has also targeted some of the impacted and surrounding lands for conservation in their East County Multiple Species Conservation Plan
59. The BLM and other federal and state agencies have also participated in the Las Californias Binational Conservation Initiative which has scientifically ID'd the impacted areas as part of one of only five globally significant biological hot spots with critical habitat and cross-border wildlife corridors that need protection. Conservationists refer to our richly diverse ~~transitional~~ (desert-mountains-coast) area as Mediterranean Mosaic.
60. The ECO Substation along with the Sunrise Powerlink, proposed wind projects and all the new and expanded infrastructure that go with those projects represent significant and cumulative impacts to the proposed Sierra Juarez and La Posta linkages, including the Parque to Park proposal to connect Anza Borrego Park (and Jacumba property purchased for the Park) with Baja's Parque Nacional Constitucion de 1857 and the Parque Nacional San Pedro Martir.

Economic:

61. Local tourism and recreation are a major source of income for our local businesses.

The transformation of the area from open and accessible lands and landscapes will be significantly degraded resulting in cumulative negative impacts to low-income rural communities. Many of our businesses, which provide services to local residents and visitors, are hanging by a thread and will not withstand further loss of business resulting from a reduction to their customer base.

62. Negative impacts to surrounding property values.

63. Most jobs created will go to folks from out of the area. Any benefits will be fleeting in comparison to the permanent negative impacts.

Mitigation:

64. CEQA requires that mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures” so “that feasible mitigation measures will actually be implemented as a condition of development.”

65. SDG&E’s proposed *Community Enhancement Program* to mitigate project impacts should be done prior to the approval of any project. The same should have been done for Sunrise Powerlink. The PUC collected over a million dollars in fines for SDG&E misrepresenting the southern route but none of that money was designated as mitigation for the impacted human and natural communities.

66. We have enough unanalyzed and unmitigated significant and cumulative impacts from the Sunrise Powerlink and proposed wind farms—without adding this project. Any mitigation measures for environmental and community impacts should be fully enforceable as noted above.

Project Support Letters:

67. SDG&E, and their parent company Sempra, both have teams of PR reps and cheerleaders that get paid to run all over the county and state to drum up support for their projects. They also have an apparently endless budget and funding for supporters’ pet projects and campaign funds, through the Sempra Foundation and other contributions, to rally supporters to their side. Our rural low-income communities cannot compete on that level which puts us at a major disadvantage and trying to play catch-up.

68. The support letters display a cast of the usual suspects that appear to blindly sign on to whatever SDG&E / Sempra ask them to. They are not part the impacted community or involved in local planning issues. They have no idea of the significant and cumulative impacts these multiple projects represent. Nor do they appear to care how their actions impact our rural and natural communities.

69. Please note that some support letters do not actually declare support—they simply

thank SDG&E for the information and ask to be kept in the loop.

70. Other than the Campo Executive Committee (Campo Band) support letter, none of the signers actually live in the impacted area.

71. We believe that SDG&E did not properly disclose to the Campo Ex Com that the ECO Substation is a connected action to the Sunrise Powerlink which they prevented from crossing their lands—or that an alternative existed for the gen-tie for their wind energy proposal in partnership with SDG& E and Invenergy where the existing SWPL crosses the southern section of Campo tribal land.

72. Hamann Companies is an absentee Boulevard land owner, that purchased an old cattle ranch several years ago with development goals for planned communities in our drought stricken groundwater dependent area which has no major water or sewer district.

73. Michael Stevens of the Stevens Planning Group has, and probably still does, work as a consultant to several absentee developers who have purchased historic ranch properties in the Boulevard area for speculative master planned and other project. His support is biased.

Please add us to the serve list for any and all communications and documents regarding this and related projects. Contact me at 619-766-4170 or donnatisdale@hughes.net if you have any questions. We look forward to your positive response to our requests for a joint CEQA/NEPA review for this project and the related / connected projects.

Sincerely,

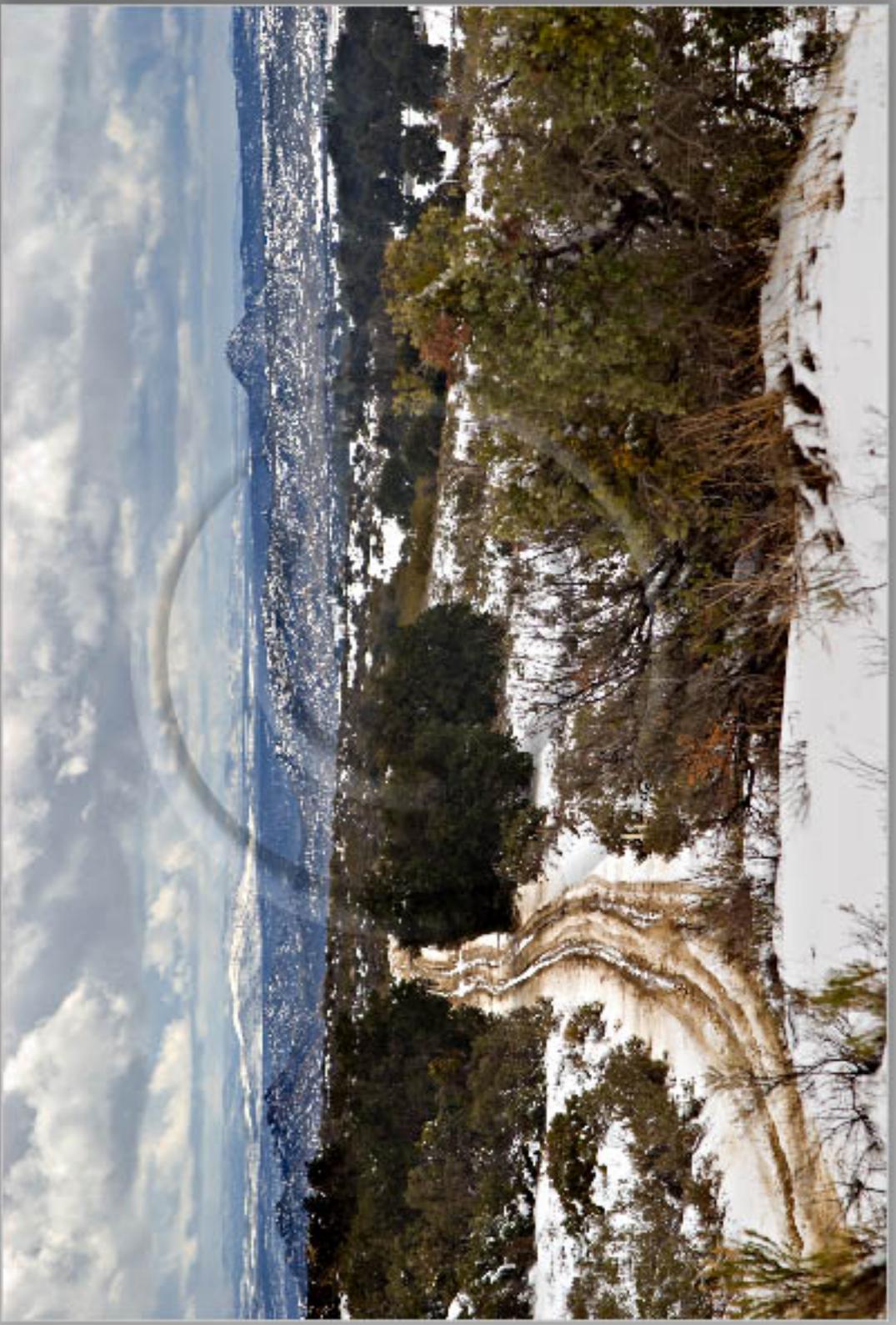
Donna Tisdale, Chair

The logo for McCain Valley is set against a background of a sunset or sunrise. The sky is a vibrant orange and yellow, with a large, glowing rainbow arching across it. In the foreground, the dark silhouette of a mountain peak is visible, with a white horizontal band around its upper section. The text "McCain Valley" is written in a stylized, serif font, with "McCain" on the top line and "Valley" on the bottom line. The text is white with a thin blue outline and is centered within a white rectangular box that has a blue border.

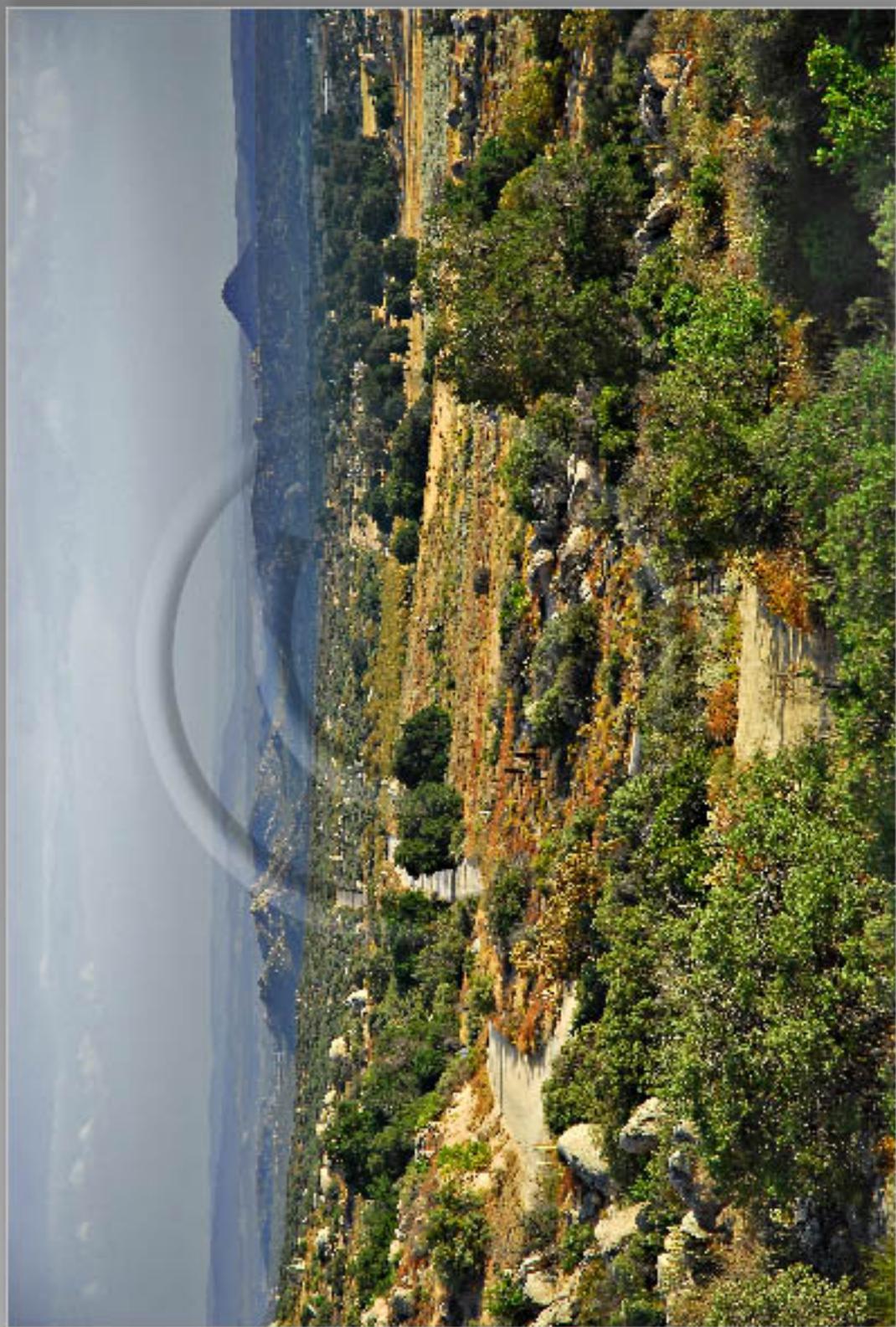
McCain Valley



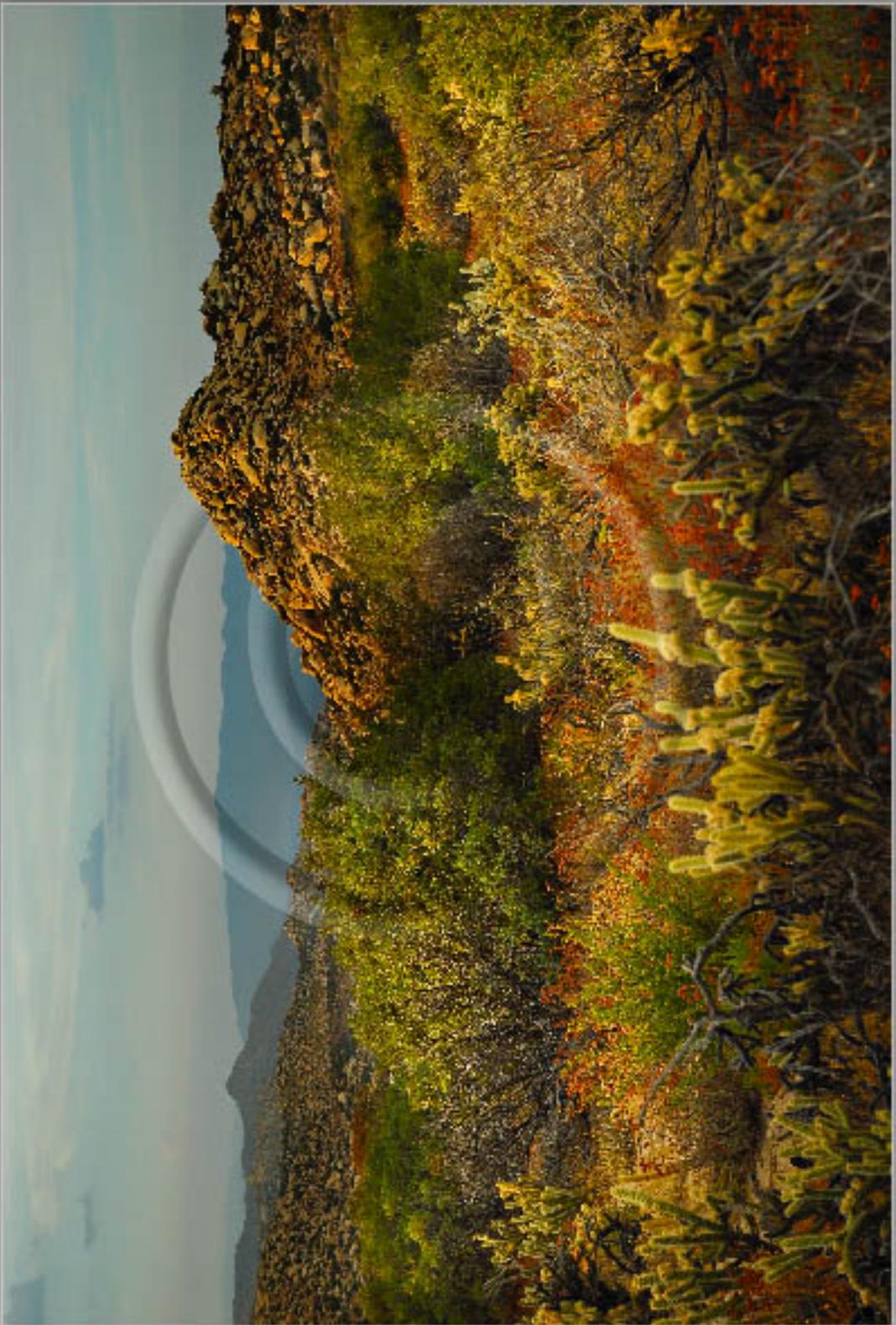


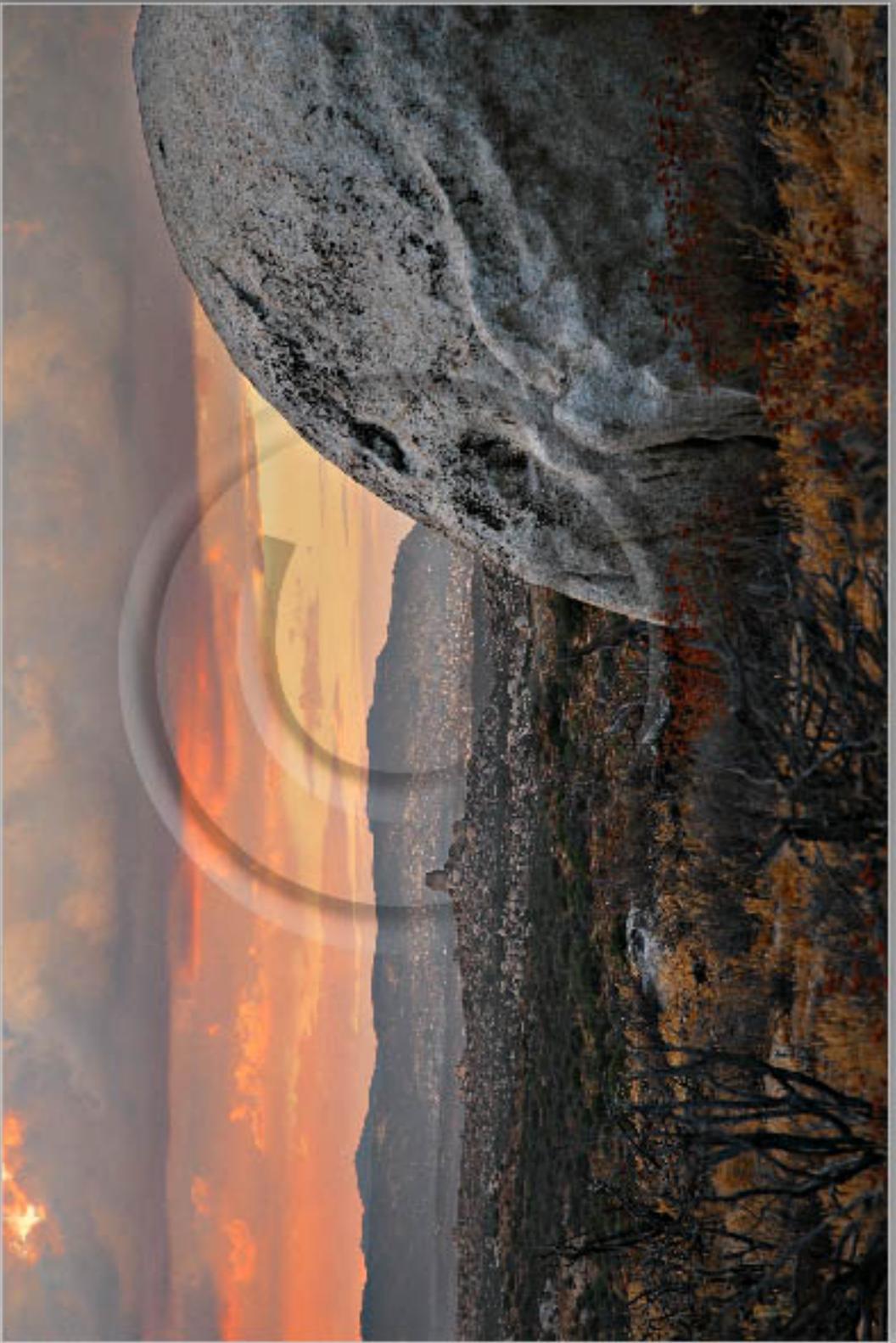






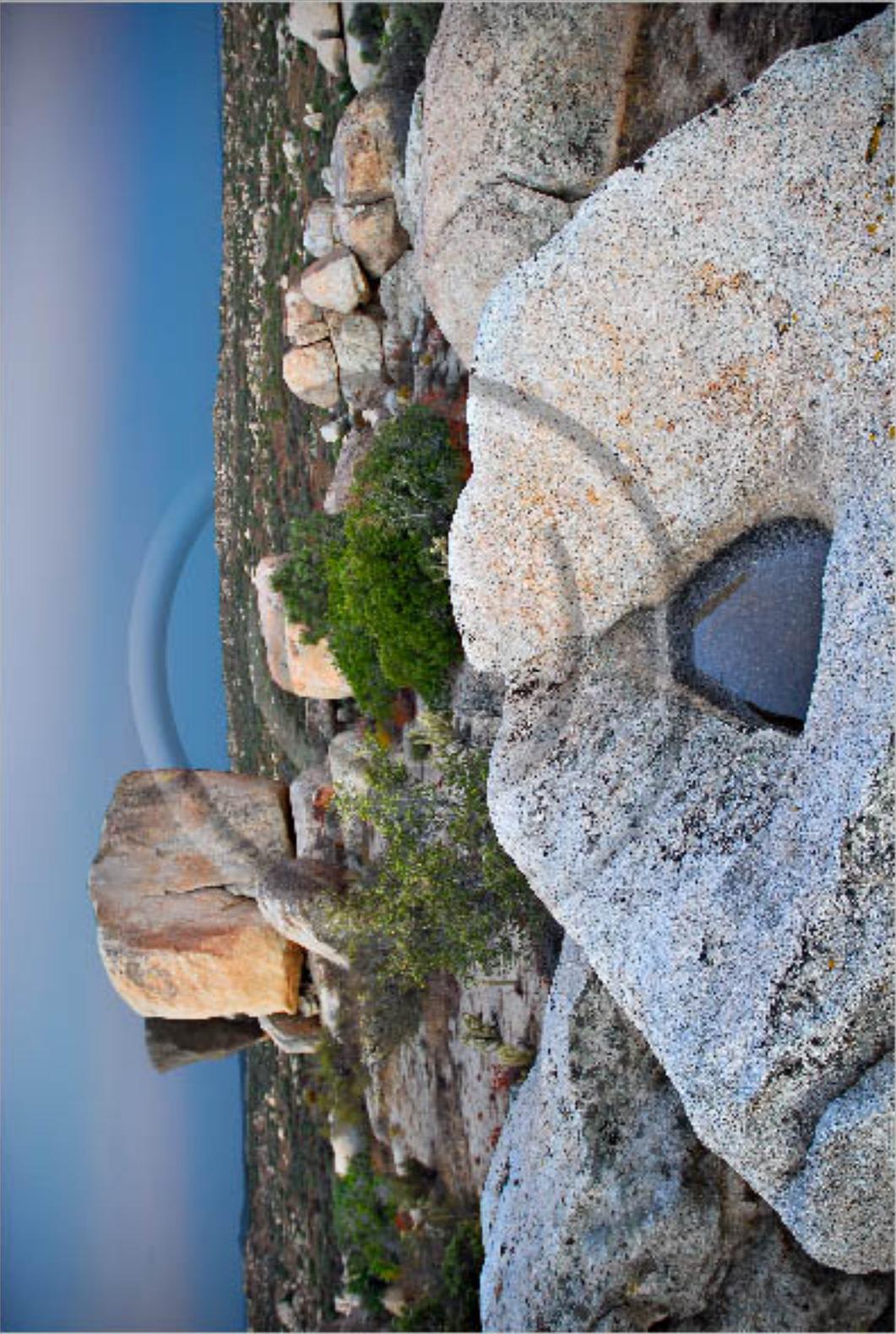


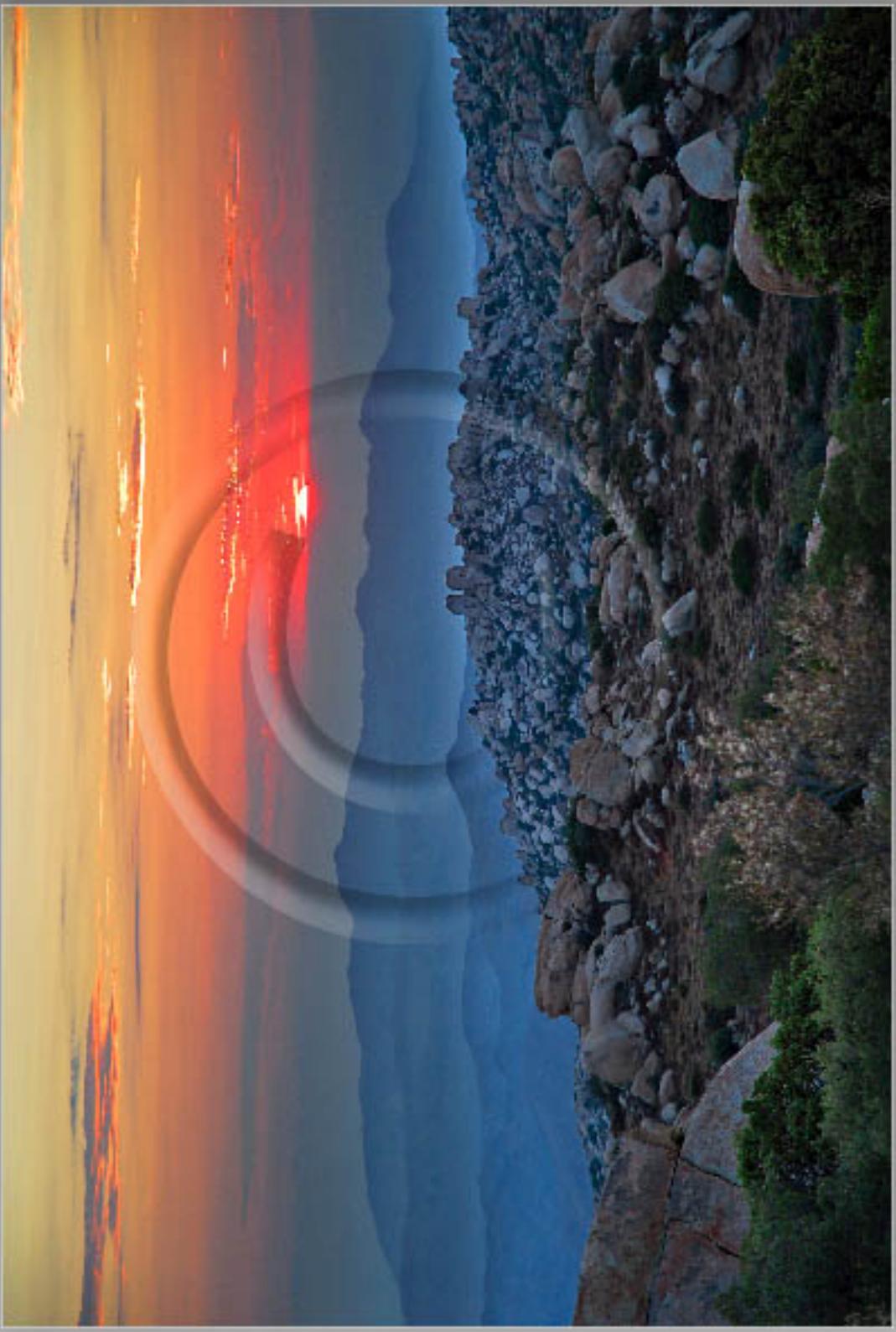


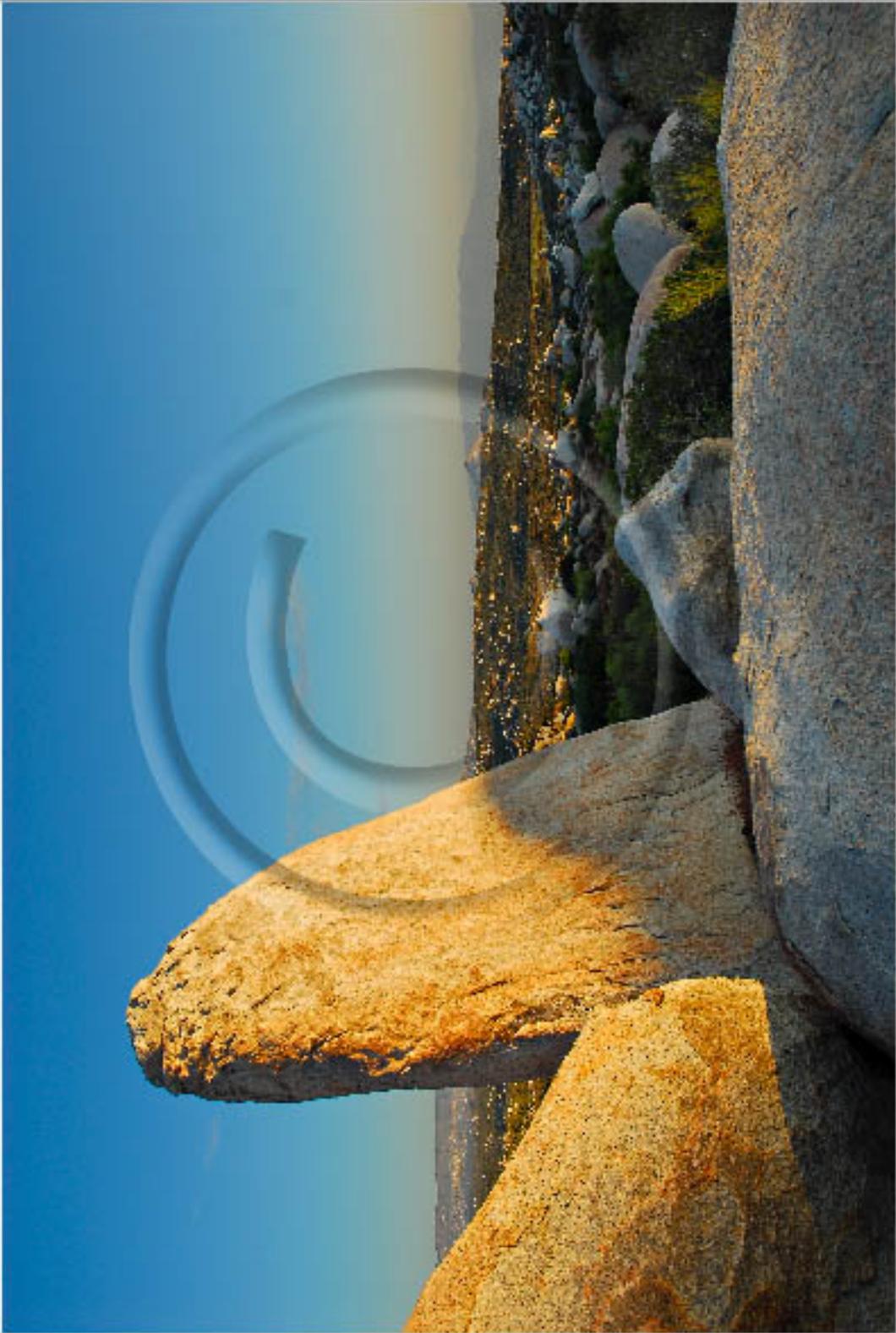




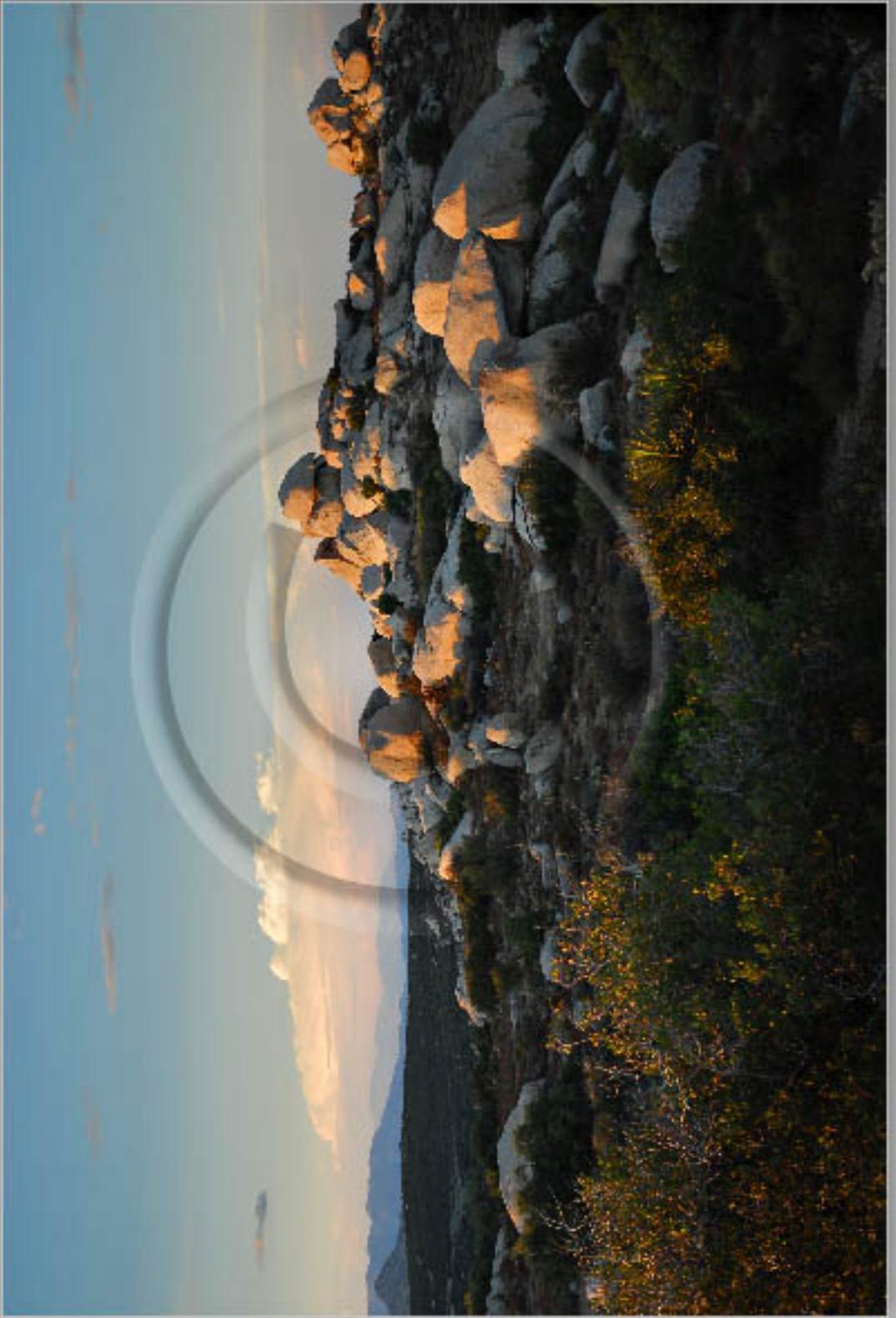








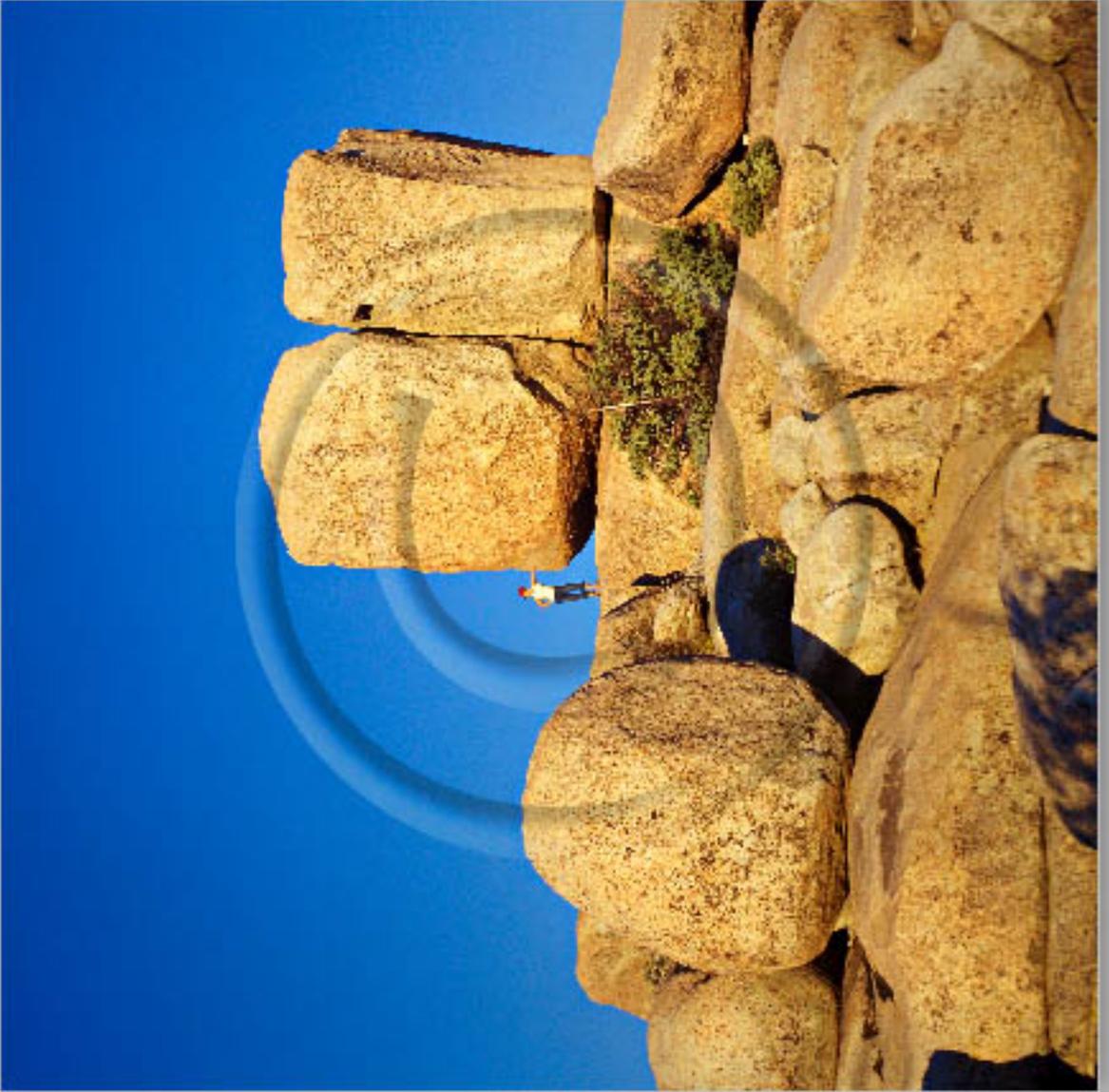


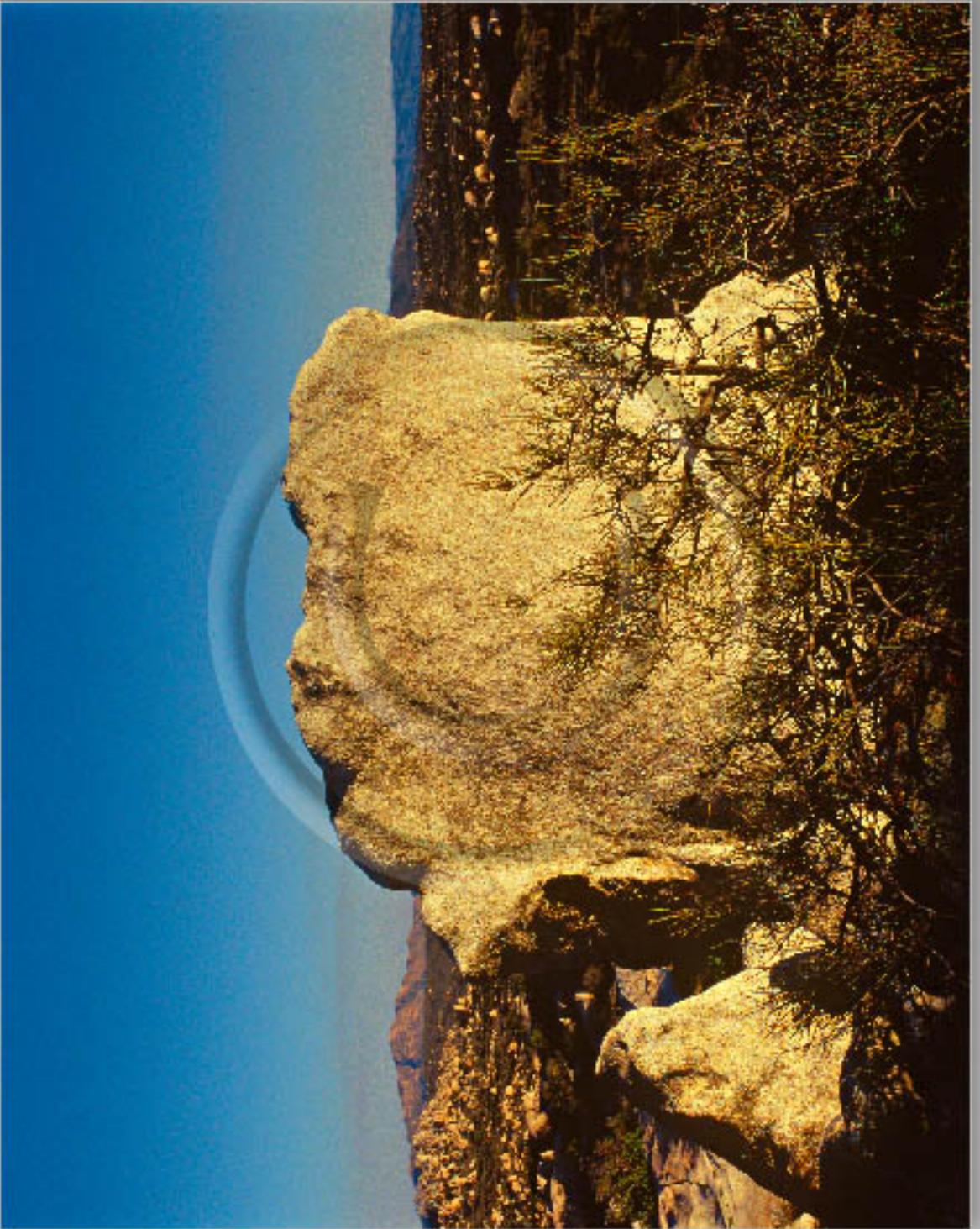


















Managing the conservation of the California condor and its ecosystem in a changing climate



Once extinct in the wild, California condors are now recovering due to the efforts of the Zoological Society of San Diego (ZSSD) and partner organizations.

After contributing to the reintroduction of condors in the USA, in 2002 the ZSSD established a bi-national, large-scale, long-term program to release captive bred condors to the wild in the Sierra San Pedro Martir region of northern Baja California, Mexico. This keystone species of high ecological and cultural importance had survived in Baja until as recently as 1945.

The ZSSD has been intensively monitoring and managing the reintroduced birds to ensure the successful establishment of a wild population that will eventually merge with other reintroduced populations in the USA.

The ZSSD condor project has not only aided in the recovery of the species, it has also linked the conservation efforts of the Mexican and United States governments and serves as a focus for ecosystem conservation throughout the region.



Managing the conservation of the California condor and its ecosystem in a changing climate



Condors range widely in their foraging flights and require large areas of undisturbed habitat to maintain viable populations.

Condors are also integral to the health of North American mountainous ecosystems because of their role at the apex of scavenging guilds.

Condors are considered an umbrella species in that efforts to conserve and manage condor populations also help conserve other species and habitats within condor ranges.

For example, condors in Baja scavenge on the carcasses of threatened bighorn sheep and compete for food resources with endangered pumas. These animals benefit from conservation management initiatives designed to reintroduce condor populations and maintain the health of their ecosystems, e.g. through protective legislation and habitat restoration programs.



Managing the conservation of the California condor and its ecosystem in a changing climate



The Sierra San Pedro Martir region where the condors are released is an area of high ecological significance and economic value, providing increasing local revenue through ecotourism.

Although the region is remote and federally protected, it remains extremely vulnerable to anthropogenic disturbances such as illegal logging and cattle grazing. Climate change is predicted to have extensive degradative impacts on the region and may diminish the quality of habitats for threatened wildlife by reducing water availability and increasing the frequency and intensity of wildfire events.

This project will use innovative technologies such as satellite telemetry, GIS and remote sensing to characterize, model and monitor the behavior, habitat use and population dynamics of condors reintroduced to Baja.

This will be done with a view to conducting long-term, multi-scale ecological research that has direct conservation management and socioeconomic benefits for the Sierra San Pedro Martir bioregion.

The research findings will also inform and enhance the management strategies of condor reintroduction programs throughout North America.

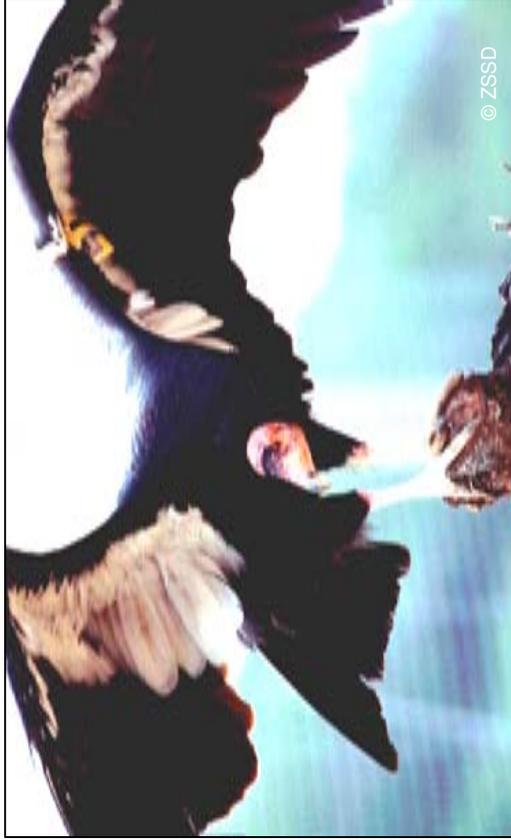




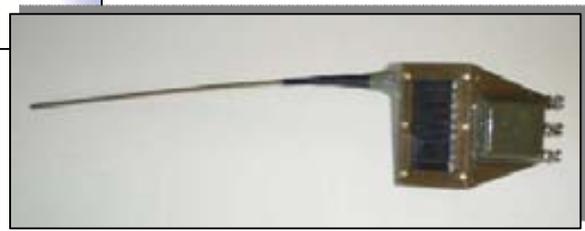
Managing the conservation of the California condor and its ecosystem in a changing climate



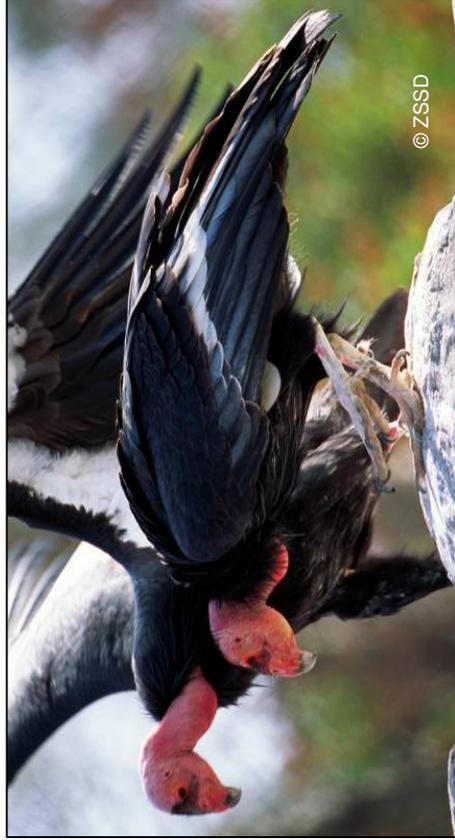
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TOP and RIGHT: Captive-reared condors are reintroduced into the wild at the field site in Baja California, Mexico with GPS transmitters attached to their wings. The small, light-weight GPS-tags (**LEFT**) provide accurate locations of the birds so that their movements may be tracked and monitored by the management team. The movement data also provide valuable information on the spatial ecology and habitat use of the condors.



© ZSSD





PLANET ACTION
Spot the impacts, engage in action

Managing the conservation of the California condor and its ecosystem in a changing climate

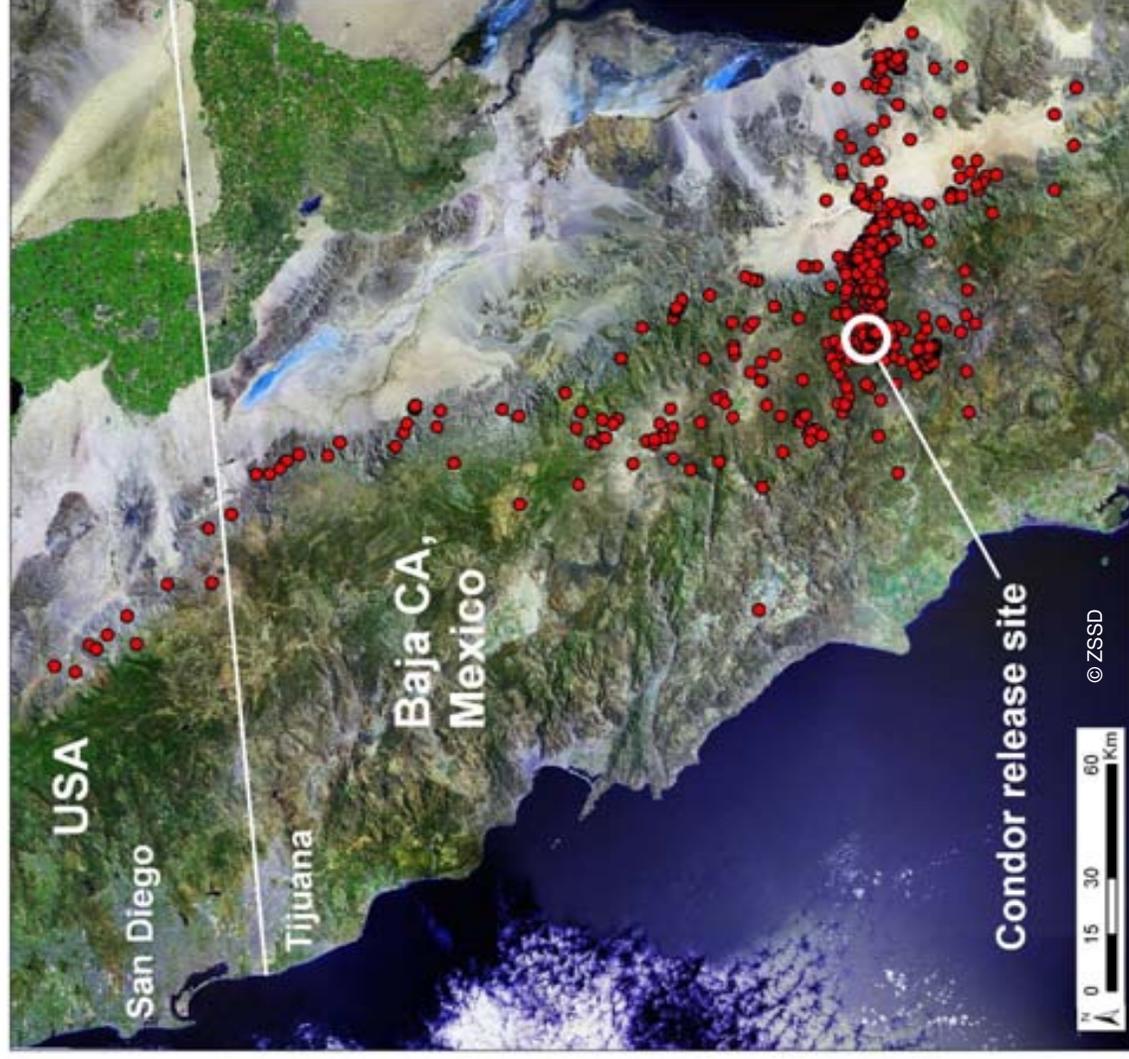


Images copyright: The Zoological Society of San Diego (ZSSD), 2008



PLANET ACTION
Spot the impacts. engage in action

Managing the conservation of the California condor and its ecosystem in a changing climate



Satellite map indicating the location of the condor reintroduction site in the Sierra San Pedro Martir region of Baja California, Mexico. The red dots indicate the GPS location fixes of a three-year-old female condor that was tracked making a large-scale exploratory return flight of 200 km, north from the Baja release site across the USA/Mexico border in April 2007 (each dot represents a separate location fix acquired from the bird). The GPS fixes indicate that the condor made intensive use of core areas within close proximity to the release site. High-resolution satellite imagery provided by Planet Action enables researchers to build an accurate picture of condor habitat use and preference. This valuable ecological information will allow managers to tailor the reintroduction programs to the specific habitat requirements of the birds and to predict and mitigate the effects of climate change on this important ecosystem.



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Images copyright: The Zoological Society of San Diego (ZSSD), 2008

From: HiddenJewell Ranch [mailto:hiddenjewelranch@wildblue.net]
Sent: Monday, February 15, 2010 6:55 PM
To: ECOSUB
Cc: Don Parent
Subject: Re: Scoping Comments

Mr. Fisher:

Subject: SDG&E's ECO Substation Projects – Scoping Comments

My wife and I have lived and own property in Boulevard for the past seven years, which is in the proposed location of part of San Diego Gas & Electric's ECO Substation project. As you know, Boulevard is currently home to an existing substation, which would be rebuilt as part of ECO. I strongly support this project due to the improved reliability and economic boost it would bring. My comments on the environmental study are based on these benefits.

A reliable electric system is vital to any community. Not only do frequent and prolonged outages create hardship and diminish quality of life, they discourage the creation of new businesses. The ECO environmental study should compare the number of outages Boulevard currently experiences to those anticipated upon completion of the project. The study should also compare ECO to similar projects in similar areas to determine whether there is any significant socioeconomic benefit to improved reliability. Are more businesses established in communities where outages occur less frequently?

The Notice of Public Scoping Meeting notes that temporary air quality impacts may occur during construction. I believe these short-term emissions must be weighed against the long-term benefits of renewable energy development in order to accurately assess ECO's air quality impacts. The study should also determine whether or not air quality has any effect on property values. If there is a relationship between these two factors, this should be considered as an economic benefit to all of San Diego County, where home prices are significantly less than they were three or four years ago.

I hope that these issues will be included in the ECO environmental study. Again, I believe this project will provide needed benefits to Boulevard and the surrounding area and look forward to its swift approval and construction.

Sincerely,

//s// Ken Venable

Hidden Jewel Ranch
1588 Jewel Valley Rd.
Boulevard, CA 91906

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From: Donna Tisdale [mailto:tisdale.donna@gmail.com]
Sent: Tuesday, February 16, 2010 1:32 PM
To: aei@cpuc.ca.gov; ECOSUB
Subject: Wind ghosts & Federal Sunrise complaint

RE: ECO Substation, Tule Wind and ESJ

Hello Iian and Dudek folks,

I know the scoping comment period closed yesterday but these important documents just came in. Please consider and reference them during your decision making process:

- The Sunrise Powerlink federal complaint that was filed today is attached
- The link below is an eye-opening in-depth article on the past and present wind energy manipulations and crashes, and the remaining obsolete turbine carcasses

http://www.americanthinker.com/printpage/?url=http://www.americanthinker.com/2010/02/wind_energys_ghosts_1.html

Regards,

Donna Tisdale
619-766-4170

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PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.

1 STEPHAN C. VOLKER (CSB #63093)
JOSHUA A.H. HARRIS (CSB #222886)
2 STEPHANIE L. ABRAHAMS (CSB #257961)
LAW OFFICES OF STEPHAN C. VOLKER
3 436 14th Street, Suite 1300
Oakland, CA 94612
4 Tel: 510.496.0600
Fax: 510.496.1366

5 Attorneys for Plaintiffs
6 BACKCOUNTRY AGAINST DUMPS, THE PROTECT
OUR COMMUNITIES FOUNDATION, EAST COUNTY
7 COMMUNITY ACTION COALITION, and DONNA TISDALE

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 BACKCOUNTRY AGAINST DUMPS, THE) Civ. No.
11 PROTECT OUR COMMUNITIES)
12 FOUNDATION, EAST COUNTY COMMUNITY) **COMPLAINT FOR**
ACTION COALITION, and DONNA TISDALE,) **DECLARATORY AND**
13) **INJUNCTIVE RELIEF**
14 Plaintiffs,)
15)

16 v.)
17)

18 JIM ABBOTT, in his official capacity as California)
State Director of the United States Bureau of Land)
19 Management, REN LOHOEFENER, in his official)
capacity as Pacific Southwest Regional Director of)
20 the United States Fish and Wildlife Service, KEN)
SALAZAR, in his official capacity as Secretary of)
21 the United States Department of the Interior, BOB)
ABBEY, in his official capacity as the Director of)
22 the Bureau of Land Management, MIKE POOL, in)
his official capacity as the Deputy Director of the)
Bureau of Land Management, SAM HAMILTON,)
23 in his official capacity as the Director of the Fish)
and Wildlife Service, UNITED STATES)
24 DEPARTMENT OF THE INTERIOR, BUREAU)
25 OF LAND MANAGEMENT, UNITED STATES)
DEPARTMENT OF THE INTERIOR, FISH AND)
26 WILDLIFE SERVICE,)
27)

28 Defendants.)
_____)

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I. INTRODUCTION

1. This action seeks to protect extraordinary public lands that provide outstanding scenery, tranquility, wilderness recreation and wildlife habitat for endangered species including the Peninsular bighorn sheep and the Quino checkerspot butterfly from needless destruction by a hastily conceived, poorly studied, wildfire-inducing and completely unnecessary powerline project. Plaintiffs Backcountry Against Dumps, *et al.* (“plaintiffs”) challenge five interrelated agency actions by the United States Bureau of Land Management (“BLM”) and the United States Fish and Wildlife Service (“FWS”):

(1) BLM’s amendment of its Resource Management Plan (“RMP” or “Plan”) and approval of its related Final Environmental Impact Statement (“RMP FEIS”) for the spectacular rugged mountains, deep verdant valleys and high pristine deserts of eastern San Diego County;

(2) FWS’ approval of a Biological Opinion for the RMP;

(3) BLM’s summary dismissal of plaintiffs’ comprehensive protest to the RMP;

(4) BLM’s approval of two rights-of-way for the construction of the 500 Megawatt Sunrise Powerlink Transmission Line Project (“Powerlink Project”) through eastern San Diego County and related Final Environmental Impact Statement (“Powerlink FEIS”); and

(5) FWS’ approval of a Biological Opinion for the Powerlink Project.

Plaintiffs sue the responsible BLM and FWS officials (“defendants”) pursuant to the Administrative Procedure Act (“APA”) for violations of the National Environmental Policy Act, 42 U.S.C. section 4321 *et seq.* (“NEPA”), the Federal Land Policy Management Act, 43 U.S.C. section 1701 *et seq.* (“FLPMA”), the Endangered Species Act, 16 U.S.C. section 1531 *et seq.* (“ESA”), and the National Historic Preservation Act, 16 U.S.C. section 470 *et seq.* (“NHPA”).

2. There are four sequential agency actions culminating in this suit:

(1) BLM’s proposal for a new RMP for Eastern San Diego County in December 2007 (“2007 RMP”) based on an EIS prepared earlier that year;

(2) BLM’s abrupt amendment of its proposed 2007 RMP in October 2008 (“2008 RMP”) to rezone 12,185 acres of the highly scenic and sensitive McCain Valley National

1 Cooperative and Wildlife Management Area (“McCain Valley”) without further environmental
2 review as required under NEPA and without further consultation with FWS as required under
3 ESA;

4 (3) FWS’ hurried preparation of a Biological Opinion in November 2008 to
5 accommodate the Powerlink Project before its alignment was precisely identified, before
6 inventories of plants and wildlife in the alignment were conducted, before the Powerlink
7 Project’s impacts thereon were known, and before any site-specific mitigations of those unknown
8 impacts were even proposed, much less adopted;

9 (4) BLM’s abrupt amendment of its 2008 RMP just two months later in January
10 2009 (“2009 RMP”) and approval of powerline rights-of-way to allow construction of the
11 massive Powerlink Project and thousands of acres of wind farm and other industrial development
12 far outside the designated Southwest Powerlink (“SWPL”) utility corridor and instead within the
13 heart of the highly scenic and sensitive McCain Valley. This last RMP amendment was likewise
14 adopted without adequate environmental review as required by NEPA and based on a wholly
15 deficient Biological Opinion.

16 3. In February 2007, BLM released a Draft RMP and Draft EIS (“Draft RMP DEIS”)
17 for the Eastern San Diego County Planning Area (“Planning Area”). The RMP directs the future
18 land uses for approximately 102,869 acres of BLM-administered mountains, valleys, lakes, rivers
19 and high desert within the Planning Area. After receiving extensive public comments on the
20 Draft RMP, BLM produced a Proposed RMP and Final EIS (“Proposed RMP FEIS”) in
21 December 2007. But then BLM’s seemingly completed RMP process was abruptly hijacked to
22 accommodate a proposal by San Diego Gas & Electric Company (“SDG&E”) to build a
23 mammoth 500 MW powerline from Imperial County across San Diego County to the coast. On
24 July 28, 2008, BLM proposed fundamental changes to the RMP (hereinafter the “2008
25 Amendments”) that significantly altered the Proposed RMP’s resource valuation criteria, opening
26 up vast areas of previously undisturbed and protected lands to industrial-scale energy
27 development including the Powerlink Project. BLM declined to conduct a supplemental
28 environmental review of its new, development-intensive planning alternative; it claimed that the

1 impacts of the revisions were addressed within the spectrum of the original alternatives in its
2 December 2007 RMP FEIS. BLM's reliance on the 2007 FEIS's analysis, however, is not
3 supported by the record.

4 4. To the contrary, BLM's last-minute changes to the RMP constituted an unstudied,
5 wholesale revision of the land use plan for much of the remaining wildlands in eastern San Diego
6 County, including the highly valued McCain Valley. As such, BLM's action required the
7 preparation of a supplemental EIS. Nonetheless, on October 10, 2008, BLM approved its newly
8 revised RMP without any further environmental review.

9 5. Exacerbating BLM's failure to adequately analyze the RMP's impacts under NEPA,
10 FWS failed to conduct an adequate study of the RMP's effects on threatened and endangered
11 species under ESA. FWS's September 30, 2008 Biological Opinion ("RMP BiOp") failed to
12 include the best available scientific and commercial data, turned a blind eye to BLM's concurrent
13 approval of the Powerlink Project (discussed below), and failed to adequately address the 2008
14 Amendments to the RMP. BLM's wholesale adoption of the recommendations within the RMP
15 BiOp similarly violated ESA, as BLM has an independent duty to ensure that its actions do not
16 jeopardize endangered and threatened species or adversely modify their critical habitat.

17 6. On November 17, 2008, plaintiff Backcountry Against Dumps ("BAD") filed a
18 lengthy and detailed administrative protest appealing BLM's approval of the RMP. On January
19 12, 2009, BLM summarily dismissed BAD's protest on the asserted grounds it "included
20 comments, opinions, or observations which were not substantiated with a concise statement of
21 why [BLM's] proposed decision is believed to be wrong; [and it included] issues not previously
22 raised in the planning process; and/or issues not germane to the planning process." To the
23 contrary, BAD's protest was extensively "substantiated" with an extensive discussion of the
24 factual and legal reasons why the 2008 RMP violated NEPA, ESA and other environmental laws.
25 BLM's perfunctory dismissal of BAD's protest was arbitrary and capricious because it ignored
26 the substance of BAD's protest and failed to explicate any reasoned basis for its summary
27 rejection of BAD's appeal. Revealing its apparent, inexplicable bias against BAD, BLM did not
28 dismiss other parties' appeals that presented issues similar to those raised in BAD's appeal;

1 rather, BLM considered and addressed those protests. BLM’s dismissal of BAD’s protest is
2 contrary to FLPMA and its regulations, which require BLM to follow and apply in a rational
3 manner applicable environmental laws in its adjudication of RMP protests.

4 7. Concurrent with, but ignored within, its RMP review process, BLM was also
5 considering the Powerlink Project. SDG&E asked BLM to grant to it two rights-of-way and the
6 above-mentioned, one-time RMP exemption (styled a “use permit”) to allow it to build a 500 kV
7 transmission line from the Imperial Valley Substation to a proposed 500/230 kV substation in San
8 Diego County near the western boundary of Cleveland National Forest. The approval also
9 included a 230 kV line from that same proposed substation to the existing Sycamore Canyon
10 substation located in San Diego. En route, the transmission line would connect with several
11 energy generation facilities, including proposed wind farms in McCain Valley and a geothermal
12 facility. The Powerlink, in its current alignment, requires an exemption from the RMP to allow
13 the project to cross the McCain Valley, which lies far outside of the RMP-designated utility
14 corridor.

15 8. Despite the fact that the Powerlink would require an immediate and substantial
16 amendment to the freshly minted RPM, BLM acted as though the RMP and Powerlink approvals
17 were unrelated. BLM approved the RPM without mentioning Powerlink or the special exemption
18 necessary to allow the construction of the transmission line outside of the utility corridor. Thus,
19 BLM’s plan to allow rapid industrial development of the McCain Valley was divided into two
20 separate approvals – the first to allow the long-term development of wind farms and other energy
21 development projects, and the second to permit the construction of a power line that would
22 significantly increase the rate and intensity of that development. BLM failed to consider the *de*
23 *facto* Powerlink amendment to the RMP together with the 2008 Amendments, thereby denying
24 the public and BLM decisionmakers an accurate understanding of the timing and likely intensity
25 of energy development in the McCain Valley and other sensitive areas to be impacted.
26 Consequently, the *combined* effects of the RMP revisions and the transmission line exemption
27 were never examined. The agency’s refusal to study the Powerlink and the increased
28 development allowed by the RMP in the same EIS violated NEPA. This analytic failing is

1 repeated in FWS's RMP and Powerlink BiOps and in BLM's ESA decisions based thereon,
2 wherein the effects of the RMP are considered independent of the effects of the Powerlink, a
3 violation of ESA.

4 9. BLM's approval of the rights-of-way for the Powerlink Project on January 20, 2009
5 was based on a completely inadequate NEPA review process. Most significantly, BLM
6 concentrated the majority of its efforts on analyzing the so-called proposed project, a route whose
7 western segments passed far to the north of the route ultimately selected. At the last minute,
8 BLM changed course and decided to approve a southern route that had not been adequately
9 defined and described, and was never thoroughly reviewed, in the EIS (hereinafter the "selected
10 route"). This abrupt substitution of a far different route stymied public participation in the NEPA
11 review and resulted in a fatally flawed EIS analysis of the selected route. The Powerlink EIS
12 failed to adequately or consistently describe the selected route or comprehensively address its
13 impacts; rather its description and analysis are incomplete, contradictory, and confusingly
14 scattered over many chapters of different volumes of the environmental review documents.
15 Accordingly, plaintiffs ask this Court to require BLM to produce a complete analysis of the
16 *selected* route – not just of the previously proposed, but now *rejected* route – before it reconsiders
17 its approval of the Powerlink along that new alignment.

18 10. In addition to BLM's significant NEPA violations, the agency also failed to comply
19 with FPLMA by siting the Powerlink through some of the most pristine natural resource areas
20 remaining in eastern San Diego County. BLM also violated NHPA by ignoring the impacts of
21 the project on cultural and historic resources and by shutting the public out of the NHPA review
22 process. Additionally, FWS's analysis of the effects of the project on listed species under ESA
23 was incomplete and inaccurate in substantial respects. As a result, the Powerlink BiOp and
24 BLM's reliance on the information and mitigation measures contained therein violated ESA.

25 11. For these reasons, as explicated more fully below, plaintiffs seek to set aside FWS's
26 BiOps for the 2008 RMP and the Powerlink Project, and to set aside BLM's approval of the
27 RMP, dismissal of plaintiffs' protest, and approval of the Powerlink rights-of-way and one-time
28 exemption from the 2008 RMP as arbitrary and capricious and in violation of NEPA, 42 U.S.C. §

1 4321 *et seq.*; FLPMA, 43 U.S.C. § 1710 *et seq.*; ESA, 16 U.S.C. § 1531 *et seq.*; NHPA, 16
2 U.S.C. § 1531 *et seq.*; their implementing regulations; and the APA, 5 U.S.C. § 701 *et seq.* If the
3 RMP BiOps and 2008 RMP are allowed to stand and construction of the Powerlink Project is
4 allowed to proceed, significant areas of untrammelled mountain and high desert wildlands in
5 eastern San Diego County will be degraded into massive construction sites and eventually into
6 permanent, industrial energy corridors.

7 **II. JURISDICTION AND VENUE**

8 12. This Court has jurisdiction in accordance with 28 U.S.C. § 1331 (action arising
9 under the laws of the United States); 28 U.S.C. § 1361 (action to compel officers of the United
10 States to perform their duties); 28 U.S.C. §§ 2201 (declaratory judgment) and 2202 (further
11 relief), and 5 U.S.C. §§ 701-706 (the APA).

12 13. Venue lies in the Eastern District Court of California, under 28 U.S.C. § 1391(e)
13 because the offices of defendants Jim Abbott, BLM's State Director for California, and of Ren
14 Lohofener, FWS' Regional Director for the Pacific Southwest Region, are located in
15 Sacramento, within this judicial district.

16 **III. PARTIES**

17 14. Plaintiff BAD is a community organization comprising numerous individuals and
18 families residing in the Boulevard region of eastern San Diego County. Members of BAD are
19 directly affected by BLM's land use planning and management of the Planning Area because that
20 is where they live and recreate. BAD and its members are interested in the proper planning and
21 management of BLM lands within the Planning Area in order to maintain and enhance their
22 ecological integrity, scenic beauty, wildlife, recreational amenities, cultural resources, watershed
23 values, and groundwater resources. Some members of BAD rely for their entire domestic,
24 municipal and agricultural water supply on the vulnerable aquifers of eastern San Diego County
25 that are threatened with contamination and overdrafting by ongoing and proposed land use
26 development. Members of BAD submitted comments throughout the RMP and Powerlink
27 Project proceedings.

28 15. Plaintiff The Protect Our Communities Foundation ("POC") is a community

1 organization composed of numerous individuals and families residing in eastern San Diego
2 County who are directly affected by the approval of the Powerlink Project. POC's purpose is the
3 promotion of a safe, reliable, economical, renewable and environmentally responsible energy
4 future. POC's members use BLM lands for aesthetic, scientific, historic, cultural, recreational
5 and spiritual enjoyment. BLM's RMP amendments and the subsequent Powerlink Project
6 threaten the use and enjoyment of these public resources by POC's members. Members of POC
7 submitted comments throughout the RMP and Powerlink Project proceedings.

8 16. Plaintiff East County Community Action Coalition ("ECCAC") is a coalition of
9 community groups with the common goal of preserving their rural quality of life and the natural
10 resources of eastern San Diego County. ECCAC and its members seek to maintain the ecological
11 integrity, scenic beauty, wildlife, cultural resources, recreational amenities, watershed values and
12 groundwater resources in eastern San Diego County. ECCAC's members use BLM lands for
13 aesthetic, scientific, historic, cultural, recreational and spiritual enjoyment. BLM's RMP
14 amendments and the subsequent Powerlink Project threaten to harm the use and enjoyment of
15 these public resources by ECCAC's members as well as the public at large. Members of ECCAC
16 submitted comments throughout the RMP and Powerlink Project proceedings.

17 17. Plaintiff Donna Tisdale lives on Morningstar Ranch, located two miles west of
18 Tierra Del Sol Road in Boulevard, California. Her residence and business rely exclusively on
19 well water. She is an active member of multiple community groups, including co-plaintiffs BAD,
20 POC, and ECCAC, and is a sitting member of the County of San Diego's Boulevard Planning
21 Group. Donna Tisdale advocates for the preservation of rural areas of Southern California and
22 was featured on the front page of the Washington Post as a voice against the Powerlink Project.
23 Donna Tisdale uses BLM lands that will be affected by the project for recreational and spiritual
24 activities. The RMP and the Powerlink Project will adversely affect Donna Tisdale's interests by
25 introducing industrial development into the McCain Valley and surrounding areas, thereby
26 harming her use and enjoyment of the public natural resources in the area. She has spoken at
27 public meetings related to the Powerlink Project and authored multiple letters opposing the
28 project on behalf of community groups and herself and submitted them to BLM and the

1 California Public Utilities Commission (“CPUC”).

2 18. Defendant JIM ABBOTT is BLM’s California State Director. His predecessor in
3 office, Mike Pool, approved the RMP and the Powerlink Project rights-of-way across BLM lands
4 challenged in this action on January 20, 2009. Defendant JIM ABBOTT is sued in his official
5 capacity as BLM’s California State Director.

6 19. Defendant REN LOHOEFENER is the Director of the Pacific Southwest Region of
7 FWS, and is responsible for the actions of FWS in approving the two Biological Opinions
8 challenged in this action. Defendant Lohoefer is sued in his official capacity.

9 20. Defendant KEN SALAZAR is the Secretary of the United States Department of the
10 Interior. Defendant Salazar is the federal official charged with the responsibility for the proper
11 management of BLM and FWS and is responsible for the actions of BLM and FWS challenged
12 herein. Defendant Salazar is sued in his official capacity.

13 21. Defendant BOB ABBEY is the Director of BLM and is responsible for the actions
14 of BLM in approving the RMP and the Powerlink Project challenged in this action. Defendant
15 Abbey is sued in his official capacity.

16 22. Defendant MIKE POOL is the former California Director of BLM. He approved
17 the RMP and the Powerlink rights-of-way on January 20, 2009. He is now the Deputy Director
18 of BLM. In that capacity, he is generally responsible for overall activities of BLM nationwide,
19 including the supervision of the official acts of those BLM employees who are named as co-
20 defendants. Defendant Pool is sued in his official capacity.

21 23. Defendant SAM HAMILTON is the Director of the FWS and is, in that capacity,
22 responsible for the overall activities of FWS nationwide, including the preparation of the
23 Biological Opinions at issue in this case. Defendant Hamilton is sued in his official capacity.

24 24. Defendant UNITED STATES DEPARTMENT OF INTERIOR (“DOI”) is the
25 federal agency charged with managing most of the nation’s federally owned lands, including the
26 public lands managed by BLM in eastern San Diego County at issue here, and with administering
27 both ESA and FLPMA on a nationwide basis.

28 25. Defendant UNITED STATES BUREAU OF LAND MANAGEMENT (“BLM”) is

1 an agency within DOI. Pursuant to federal law, BLM is charged with the management of over
2 100,000 acres of land owned by the federal government in eastern San Diego County for the
3 benefit of the public consistent with the requirements of NEPA, FLPMA, ESA, NHPA and the
4 APA.

5 26. Defendant UNITED STATES FISH AND WILDLIFE SERVICE (“FWS”) is also
6 an agency within DOI. Pursuant to federal law, FWS is charged with the preservation of
7 endangered and threatened species under ESA, and was required to comply with ESA’s
8 requirements when it prepared the Biological Opinions for the RMP and the Powerlink Project
9 challenged in this action.

10 **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

11 **A. RMP**

12 27. On March 2, 2007, BLM issued a Notice of Availability of the Draft RMP Draft
13 Environmental Impact Statement (“DEIS”) for the new RMP. On May 31, 2007, plaintiff BAD
14 submitted a comment letter critiquing BLM’s selection of Alternative E, pointing out the
15 inadequacies of the Draft RMP DEIS, and highlighting the Draft RMP’s failure to protect
16 endangered species, wildlife habitat, and recreational, cultural, watershed and visual resources.
17 On December 7, 2007, BLM published a Notice of Availability of the Proposed RMP FEIS.
18 BAD timely protested this decision on January 7, 2008. Without ruling on BAD’s protest or
19 completing adoption of its Draft RMP, on July 28, 2008, BLM abruptly issued a substantially
20 revised proposed RMP that allowed industrial development of the McCain Valley and other
21 sensitive lands. On August 27, 2008, BAD submitted a comment letter on the proposed RMP
22 amendments, pointing out that the impacts of the substantial additional development were
23 potentially considerable, but had not been addressed as required by NEPA and other
24 environmental laws. Notwithstanding BAD’s comment and without conducting any additional
25 environmental review, on October 10, 2008, BLM approved the proposed RMP. BAD submitted
26 a timely protest challenging BLM’s approval of the 2008 RMP on November 17, 2008. BAD’s
27 protest was summarily dismissed by BLM’s then State Director Mike Pool on January 12, 2009.
28 Plaintiffs had no further administrative remedy such as an appeal to the Interior Board of Land

1 Appeals (“IBLA”) because an RMP approval is not an implementation-level decision. *See*, RMP
2 ROD, p. 20, *citing* 43 CFR Part 4.

3 **B. Powerlink Project**

4 28. On August 31, 2006, BLM and CPUC published a Notice of Intent to Prepare a
5 joint Environmental Impact Statement/Environmental Impact Report (“EIS/EIR”) addressing the
6 impacts of the Powerlink Project. On January 3, 2008, they published the Draft EIS/EIR for the
7 Powerlink Project (“Powerlink DEIS”). On February 25 and April 10, 2008, Donna Tisdale,
8 personally and on behalf of Boulevard Planning Group, submitted comments on the Powerlink
9 DEIS. As stated above, Donna Tisdale is a member of all organizational plaintiffs. Other
10 individual members of BAD, POC, and ECCAC submitted comments on the Powerlink DEIS as
11 well. On July 11, 2008, BLM published a Supplemental Powerlink DEIS (“Powerlink SDEIS”).
12 In response to this Powerlink SDEIS, Donna Tisdale submitted a comment letter on August 25,
13 2008. This letter stated objections to the chosen alternative and raised issues of new, significant,
14 and previously undisclosed impacts that required further environmental review. On October 13,
15 2008, BLM issued a Final EIS/EIR (“Powerlink FEIS”).¹

16 29. On January 20, 2009, BLM issued the Record of Decision (“ROD”) approving the
17 Powerlink. On March 26, 2009, plaintiffs filed a Notice of Appeal of the approval with the
18 Interior Board of Land Appeals (“IBLA”). Plaintiffs subsequently filed a Request for Stay and an
19 extensive Statement of Reasons with the IBLA. The IBLA denied plaintiffs’ request for a stay
20 and has yet to issue a final determination on plaintiffs’ appeal.

21 30. Plaintiffs have adequately exhausted their administrative remedies by seeking
22 review of BLM’s approval of the Powerlink Project in the IBLA. Because plaintiffs timely filed
23 a petition for stay of the project and it was denied, plaintiffs may properly sue for relief in this
24 Court without awaiting IBLA’s ruling on the merits. *National Parks & Conservation Ass’n v.*

25
26 ¹BLM issued three environmental review documents, pursuant to NEPA, in order to
27 review the impacts of the Powerlink Project. These documents, the Powerlink DEIS,
28 Powerlink SDEIS, and Powerlink FEIS, suffer many of the same inadequacies and are
referenced collectively as the “Powerlink EIS.”

1 *Bureau of Land Management* 586 F.3d 735, 740 (9th Cir. 2009) (“If an Appeals Board fails to act
2 upon a petition for a stay or denies such a petition, the decision becomes effective immediately”
3 [citing 43 C.F.R. §§ 4.21(a)(3), (c)] No decision which at the time of its rendition is subject
4 to appeal to the Director or an Appeals Board shall be considered final so as to be agency action
5 subject to judicial review under 5 U.S.C. 704, *unless* a petition for a stay of decision has been
6 timely filed and the decision being appealed has been made effective” by the denial of the
7 petition for stay (emphasis added)). Thus, plaintiffs have adequately exhausted their
8 administrative remedies.

9 V. STATEMENT OF FACTS

10 Bureau of Land Management’s Eastern San Diego County Resource Management Plan

11 31. On July 14, 2004, BLM published a Notice of Intent to Prepare an RMP and the
12 associated DEIS for the Eastern San Diego County Planning Area. The preliminary scoping
13 period commenced on July 14, 2004 and continued through October 12, 2004.

14 32. On March 2, 2007, BLM issued a notice of availability of the Draft RMP DEIS. In
15 it, BLM disclosed that FWS had identified ten federally listed species as occurring within the
16 Planning Area, four of which were known to occur on BLM-administered lands: Peninsular
17 bighorn sheep, Least Bell’s vireo, the Arroyo toad, and Quino checkerspot butterfly. BLM had
18 not, at that time, prepared a biological assessment but informed the public that a “Biological
19 Assessment will be prepared” to address the effects of the RMP.

20 33. The Draft RMP DEIS analyzed five alternatives for the RMP: the no-action
21 alternative, the visitor experience-focused alternative, the natural preservation-focused
22 alternative, the development-intensive alternative, and the balanced alternative (“Alternative E”).
23 Alternative E downgraded 9,304 acres from visual resource management (“VRM”) Class II to a
24 management class that would permit industrial development in those areas. The majority of the
25 downgraded acreage was concentrated in McCain Valley West, a public recreation area of
26 immense scenic, scientific, cultural and wildlife value. BAD submitted a comment letter on May
27 31, 2007 (“2007 Comment”), critiquing BLM’s preferred Alternative E and the analysis thereof
28 insofar as it allowed industrial development in McCain Valley. Other comments raised similar

1 issues. BLM's response to BAD's and the public's concerns regarding the gaps in the agency's
2 environmental analysis and related resource allocation decisions stressed the agency's intent to
3 promote renewable energy projects above all other considerations.

4 34. On November 20, 2007, approximately two weeks before issuance of the Proposed
5 RMP FEIS, BLM requested formal ESA section 7 consultation with FWS with regard to the
6 likely impacts of Alternative E on listed species and sent FWS a Biological Assessment ("BA").

7 35. On December 7, 2007, BLM published a Notice of Availability of the Proposed
8 RMP FEIS. 72 Fed. Reg. 69, 226 (Dec. 7, 2007). The Proposed RMP selected Alternative E as
9 the proposed action.

10 36. On January 7, 2008, BAD filed a timely protest of the Proposed RMP FEIS,
11 pursuant to 43 C.F.R. 1610.5-2 (1983). BLM received eight other protests during the thirty day
12 protest period. Additionally, on December 20, 2007, a renewable energy company, PPM Energy,
13 sent a memorandum to the Secretary of the DOI, informing the Secretary that BLM's RMP
14 conflicted with the company's proposed 200 megawatt windpower project in McCain Valley.
15 The memorandum requested the Secretary to "direct" the BLM Director to review the Proposed
16 RMP FEIS and make the appropriate changes. The Office of the Secretary contacted BLM that
17 same day.

18 37. On July 28, 2008, BLM published a Notice to Provide Opportunity to Comment on
19 Changes to the RMP, i.e. the 2008 Amendments. The notice was purportedly a response to the
20 protest letters submitted by BAD and other parties with regard to the Proposed RMP FEIS. 73
21 Fed.Reg. 43,779 (July 28, 2008). However, BLM did not respond to the concerns raised in
22 BAD's protest. Instead, the notice only responded to purported concerns that the agency was
23 being "overly-restrictive" in not allowing more wind energy development. *Id.*

24 38. The 2008 Amendments included two very significant changes to the RMP. First,
25 instead of Alternative E, BLM elected to pursue a development-intensive alternative. The 2008
26 Amendments downgraded both McCain Valley East and McCain Valley West from VRM Class
27 II and III, respectively, to Class IV, the category allowing maximum, including industrial,
28 development. *Id.* The amendments also caused additional acreage to be withdrawn from

1 recreational use and allocated instead to renewable energy development. Out of the 40,954 acres
2 that had been previously managed in accordance with VRM Class II objectives, now only 12,824
3 would retain such management classification. This change in VRM classifications opened the
4 door to wide-spread energy development in previously protected areas, without required
5 environmental reviews.

6 39. The 2008 Amendments included a second change, which revised the allowed uses
7 within VRM Class II areas. This change allows for mineral leasing and industrial development of
8 the remaining 12,824 acres of VRM Class II lands. These two changes to the RMP increased
9 lands available for development by 31,623 acres – a three-fold increase from the originally
10 Proposed RMP.

11 40. On August 27, 2008, BAD submitted a comment on the 2008 Amendments,
12 informing BLM that a supplemental EIS was required under NEPA to address the significant
13 impacts of the announced changes and also restating its prior grounds for protest under ESA,
14 FLPMA, and NEPA. In addition to BAD's comment, BLM received approximately fifty other
15 comments, identifying the need for a supplemental EIS and asking for further discussion of
16 impacts on visual and recreational resources, threatened and endangered species, and
17 groundwater as a result of renewable energy and geothermal development. BLM responded that
18 a supplemental EIS was not necessary because the two changes proposed by the 2008
19 Amendments were "within the spectrum of alternatives analyzed in the Draft RMP DEIS, made
20 available by BLM in March of 2007." BLM did not prepare a supplemental EIS, nor did it
21 produce any further ESA documentation related to the increased effects of the RMP on listed
22 species.

23 41. On September 30, 2008, FWS issued its BiOp on the RMP. It revealed that BLM
24 had requested formal consultations only as to the Quino checkerspot butterfly. FWS determined,
25 based on its analysis of the proposed action, that the RMP would also result in adverse effects on
26 the Least Bell's vireo and the Peninsular bighorn sheep. *Id.* FWS also noted in its RMP BiOp
27 that "survey efforts throughout the Planning Area have *not* been sufficient to determine the actual
28 extent of use across the area." (Emphasis added.) FWS failed to request a new or updated

1 Biological Assessment (“BA”) from BLM to address the impacts of the 2008 Amendments and
2 based its RMP BiOp on the obsolete BA for the Proposed (but rejected) RMP – rather than on the
3 Final RMP as modified by the 2008 Amendments, which allowed three times more industrial
4 development.

5 42. Nowhere in any of their environmental reviews did either BLM or FWS mention
6 the pending approval of the Powerlink Project or attempt to address the combined impacts of that
7 project with the development-intensive RMP.

8 43. On October 10, 2008, BLM’s then California State Director Mike Pool signed the
9 RMP Record of Decision (“ROD”). The ROD constitutes BLM’s final agency action and was
10 effective immediately.

11 **BLM’s Dismissal of Plaintiffs’ Protest**

12 44. On November 17, 2008, BAD submitted a protest letter, appealing BLM’s adoption
13 of the 2008 RMP ROD and the associated RMP FEIS. BAD’s November 17, 2008 protest raised
14 the same grounds of objection as those raised by BAD’s comment on the 2008 Amendment, and
15 incorporated by reference a protest submitted by plaintiff Donna Tisdale and the Boulevard
16 Planning Group in the parallel Powerlink proceeding. The State Director summarily dismissed
17 BAD’s protest on January 12, 2009 on the asserted grounds that the protest “included comments,
18 opinions, or observations which were not substantiated with a concise statement of why [BLM’s]
19 proposed decision is believed to be wrong; issues not previously raised in the planning process;
20 and/or issues not germane to the planning process.” There is no further administrative appeal by
21 which plaintiffs could seek review of BLM’s 2008 RMP.

22 **The Sunrise Powerlink Transmission Line Project**

23 45. On August 31, 2006, BLM and the CPUC published a notice of intent to prepare a
24 joint EIS/EIR for the Powerlink Project. The agencies published the Powerlink DEIS on January
25 3, 2008, which initiated a 90-day public review period, ending on April 11, 2008. The Powerlink
26 DEIS contained more than 7,500 pages, focusing on SDG&E’s proposed Northern Anza-Borrego
27 Alternative.

28 46. On July 11, 2008, BLM issued the Powerlink SDEIS, which purportedly analyzed

1 two connected actions: (1) a proposed windfarm in La Rumorosa, Mexico; and (2) additional
2 transmission and substation upgrades. The Powerlink SDEIS also included and analyzed several
3 route revisions to each of the alternatives in the Powerlink DEIS. The Powerlink SDEIS was
4 followed by a 45-day public review period that ended on August 25, 2008.

5 47. On October 13, 2008, BLM issued the Powerlink FEIS along with four volumes of
6 agency responses to public comments. Notably, the FEIS for the Powerlink Project was
7 published three days *after* BLM had already – and prematurely – approved the RMP.

8 48. In the Powerlink FEIS Executive Summary, BLM indicated its selection of the
9 “Final Environmentally Superior Southern Route (SWPL) Alternative,” or the selected route.
10 This route will run approximately 125 miles across the width of California from the Imperial
11 Valley to San Diego. The Project will cross lands under the control of BLM, United States Forest
12 Service, United States Marine Corps Air Station Miramar, California State Parks, San Diego
13 County and City, and privately owned lands.

14 49. Confusingly, the Powerlink FEIS contained an extensive description of the
15 proposed (but ultimately rejected) project. The selected route, however, was *not* described in its
16 entirety within any of the Powerlink FEIS documents, making a thorough understanding of the
17 project very difficult. The selected route was made up of multiple sections: the I-8 Alternative,
18 the BCD Alternative, and the Modified Route D Alternative, as well as multiple smaller scale
19 route alternative and reroute alternates. Information about each piece of the selected route was
20 scattered throughout the Powerlink EIS and the responses to comments. Further, the precise
21 alignment of the project within these wide corridor segments was never identified, preventing
22 site-specific assessment of the project’s environmental impacts.

23 50. In addition to these fundamental NEPA defects, the Powerlink FEIS also failed to
24 adequately address, *inter alia*: (1) the need for the project’s additional transmission capacity; (2)
25 the specific impacts of the project, including growth-inducing, fire, biological, climate change,
26 watershed, rural character and quality of life, wilderness and recreational resources, cultural
27 resources, increased public access, and groundwater impacts; (3) the cumulative impacts of the
28 project along with other foreseeable projects; (4) a reasonable range of alternatives; and (5) the

1 impacts of the project on the Cleveland National Forest, including the need for multiple
2 amendments to the applicable Cleveland National Forest Plan. The Powerlink FEIS also
3 improperly segmented environmental review of the project's many connected actions.

4 51. On November 5, 2008, BLM requested formal ESA section 7 consultation with
5 FWS in connection with the Powerlink Project. On that same day, BLM transmitted its BA and
6 requested that FWS complete its Powerlink BiOp on an expedited schedule. The BA identified
7 ten federally listed species that were likely to be adversely impacted by the Powerlink, including
8 eight federally endangered species, and two federally threatened species. BLM had not yet
9 received approval of this species list from FWS, as required by ESA. Furthermore, at the time of
10 both BLM's completion of its BA and FWS's issuance of its Powerlink BiOp, BLM had not yet
11 surveyed substantial portions of the selected route for the existence of threatened and endangered
12 species, or their suitable habitats. In fact, no scientifically reliable surveys had been conducted
13 for these species prior to BLM's approval of the Powerlink rights of way. FWS issued its
14 Powerlink BiOp on January 16, 2009, meeting BLM's request to expedite the review. Just four
15 days later, and hours before the Obama Administration was sworn into office, on January 20,
16 2009, BLM approved the Powerlink rights of way and temporary use permit.

17 52. In its Powerlink BiOp, FWS determined that the information it gained through
18 consultation with BLM and through the Powerlink NEPA process was sufficient to render an
19 opinion with regard to the effects of the project on listed species. The BiOp concludes that six of
20 the ten species identified by BLM and SDG&E would be affected by the Powerlink. These
21 include the Peninsular bighorn sheep, the Quino checkerspot butterfly, the threatened San Diego
22 thornmint, the Coastal California gnatcatcher, the endangered Least Bell's vireo, and the Arroyo
23 toad, as well as portions of their critical habitats. FWS concluded that *if* SDG&E complied with
24 the mitigation measures proposed in the Powerlink BiOp – specifically the survey-as-you-build
25 requirement – the Powerlink Project could proceed as planned.

26 53. FWS's no jeopardy/adverse modification determination hinged on SDG&E's
27 commitment to conduct additional surveys prior to initiating construction, and to replace through
28 purchase of new habitat, permanently destroyed designated critical habitat within the project area.

1 However, the Powerlink BiOp failed to: (1) identify any suitable habitat available for purchase,
2 (2) evaluate whether this unidentified substitute habitat would adequately replace existing habitat
3 without harm to the species, and (3) reconcile its assumption that this substitute habitat exists
4 with BLM's admission that the approximately 600 acres of permanently lost habitat due to the
5 Powerlink "may not be available for replacement in the quantities and specific types that are
6 affected."

7 54. FWS provided an incidental take statement for the above six species and their
8 critical habitat, purportedly immunizing SDG&E and BLM from liability under the ESA.
9 Notably, the Powerlink BiOp failed to specify as ESA requires the precise number, extent,
10 location or timing of such incidental takings, stating instead that such specifications will be made
11 following site-specific surveys prior to the construction of the Powerlink.

12 55. Despite multiple ESA requirements to do so, the Powerlink BiOp failed to address
13 the effects of the following interrelated projects: (1) SDG&E's plans for future expansion of the
14 Powerlink, consisting of four more 230 kV lines and two more 500kV lines that would connect to
15 one of the substations of the Powerlink; (2) the La Rumorosa wind farm, proposed to be
16 constructed by SDG&E's parent, Sempra Energy, in northern Mexico; (3) a solar facility,
17 proposed by Stirling Energy Systems, to be located in the Imperial Valley; (4) the Tule Wind
18 Project, proposed for the McCain Valley; and (5) the Esmeralda-San Felipe Geothermal Project,
19 to be located in Truckhaven, California. The geothermal and solar projects alone would result in
20 the permanent loss of 2,500 additional acres of habitat.

21 56. In addition, the final selection of the selected route ignored FPLMA requirements
22 that BLM condition approval of transmission lines in ways that minimize damage to the
23 environment and that lines must be co-located to the extent possible.

24 57. Finally, BLM ignored NHPA provisions that require complete investigation of the
25 cultural resources in the area and also require public access and input to the NHPA review
26 process, as explicated below.

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1 **VI. CLAIMS FOR RELIEF**

2 **FIRST CLAIM FOR RELIEF**

3 **BLM'S RMP VIOLATED NEPA**

4 **(For declaratory and injunctive relief under 28 U.S.C. §§ 2202-2201,**
5 **and for violations of the National Environmental Policy Act,**
6 **42 U.S.C. § 4321 et seq. and Administrative Procedure Act, 5 U.S.C. § 706)**

7 **(ALLEGED BY ALL PLAINTIFFS AGAINST BLM DEFENDANTS)**

8 58. The paragraphs set forth above are realleged and incorporated herein by reference.

9 59. NEPA requires all federal agencies to prepare an EIS for all major projects
10 significantly affecting the quality of the human environment. 42 U.S.C. § 4331(2)(c). An EIS
11 must describe the impacts of the proposed action, and alternatives to that action in order to allow
12 federal agencies and the public to make an informed decision on how to best “create and maintain
13 conditions under which man and nature can exist in productive harmony.” 42 U.S.C. §§ 4331(1),
14 4332(2)(c); 40 C.F.R. §§ 1500.1(b), 1508.11 (1978). BLM’s Proposed RMP FEIS’s discussion
15 of impacts, alternatives, and mitigation measures was wholly inadequate, as outlined below.

16 **The Project Description in the Proposed RMP FEIS Is Inadequate**

17 60. The Proposed RMP FEIS did not contain a description of the alternative RMP
18 selected in the ROD. Alternative D in the FEIS significantly differed from the Final RMP and
19 thus did not accurately describe the chosen land use plan.

20 **The Proposed RMP FEIS Fails in Its Discussion of the Impacts of the Proposed Action**

21 61. The discussion of impacts in the Proposed RMP FEIS was inadequate in the
22 following ways, among others: (1) although the Proposed RMP FEIS admitted that the Planning
23 Area was highly susceptible to fire, it ignored the increased fire risks associated with the RMP;
24 (2) the Proposed RMP FEIS failed to disclose and address the substantial adverse impacts on
25 wildlife habitat and other environmental resources that will result from the RMP’s reduction in
26 the acreage of protected Areas of Critical Environmental Concern (“ACEC”) from 26,479 to just
27 14,956 acres; (3) the Proposed RMP FEIS did not clearly describe how industrial development
28 would impact listed species or analyze the extent of those impacts; (4) the Proposed RMP FEIS

1 failed to adequately analyze the impacts of the RMP and its amendments on the cultural resources
2 of the area; (5) the RMP designated 34,933 acres of land for geothermal leasing, yet provided no
3 meaningful discussion of the significant adverse impacts of such development; (6) the Proposed
4 RMP FEIS did not adequately analyze the visual and other scenic impacts of the changes to the
5 VRM classification; (7) the impacts to groundwater quantity are ignored in the Proposed RMP
6 FEIS, despite the potential for groundwater use associated with the RMP Amendment's
7 additional energy development; (8) the Proposed RMP FEIS failed to adequately address the
8 impact to lands formerly designated within ACEC; (9) the Proposed RMP FEIS failed to
9 adequately evaluate the mineral resources of the area that would be depleted by the Final RMP's
10 additional energy development; (10) the Proposed RMP FEIS failed to adequately evaluate the
11 recreational and other impacts of the changes to the RMP; and (11) the Proposed RMP FEIS did
12 not discuss the impacts of the changes to VRM Class II areas described in the ROD.

13 **The Proposed RMP FEIS Fails to Adequately Analyze**
14 **and Compare the Impacts Caused by the Evaluated Alternatives**

15 62. BLM's discussion and comparison of the alternatives analyzed in the Proposed
16 RMP FEIS was not sufficient because the description of each alternative did not provide enough
17 detail to support an informed decision and because BLM failed to fully discuss the environmental
18 impacts of renewable energy development and mineral leasing in reference to each alternative.
19 Furthermore, the Proposed RMP FEIS failed to analyze the foreseeable impacts of the
20 contemplated wind farms, solar facilities, and geothermal energy production facilities.

21 **The Discussion of Mitigation Measures in the Proposed RMP FEIS**
22 **and the RMP Record of Decision Are Inadequate**

23 63. NEPA requires that mitigation measures be discussed in the EIS and the ROD with
24 "enough definition to allow for a meaningful review and evaluation of the plan to ensure that is
25 would be successful." 40 C.F.R. §§ 1502.14(f), 1502.16(h), 1505.2(c); 42 U.S.C. §
26 4332(2)(C)(ii). A mere listing of mitigation measures is not enough. *League of Wilderness*
27 *Defenders/Blue Mountains Biodiversity Project v. Forsgren*, 309 F.3d 1181 (9th Cir. 2002). Both
28 the Proposed RMP FEIS and the ROD simply provided lists of mitigation measures, rather than a

1 “meaningful” description of the measures as NEPA requires.

2 **BLM’s Statement of Irreversible and Irretrievable Commitments is Inadequate**

3 64. Every recommendation or final agency action resulting in significant effects to the
4 human environment must be accompanied by a detailed statement by the responsible agency on
5 “any irreversible and irretrievable commitments of resources which would be involved in the
6 proposed action should it be implemented.” 42 U.S.C. § 4332(c)(v).

7 65. The RMP represents an irreversible and irretrievable commitment of resources,
8 because it opens habitat, critical to the survival of threatened and endangered species, to future
9 development. BLM’s NEPA analysis, however, was limited to the following notably
10 uninformative sentence: “Any lands disposed of would reduce the wildlife habitat on BLM
11 administered lands in the Planning Area, depending on the use of that land once it leaves federal
12 ownership.” This statement failed to provide a “detailed statement” of potential losses because it
13 provided no information as to which habitat of which species would be harmed, and where, how,
14 why and to what degree such habitat would be harmed. BLM’s analysis appears as a mere
15 formality, leaving the public and the agency in the dark as to the nature and extent of the habitat
16 impacts.

17 **BLM’s Failure to Prepare a Supplemental EIS To Address Changes**
18 **to the Draft RMP DEIS and the Proposed RMP FEIS Violates NEPA**

19 66. BLM failed to prepare a supplemental EIS to address the impacts of the 2008 RMP
20 Amendments. Under NEPA, a supplemental EIS must be prepared if there are significant new
21 circumstances or information relevant to environmental concerns, and the new circumstances or
22 information will affect the environment in a significant manner or to a significant extent, and
23 those effects have not already been considered by the agency.

24 67. The 2008 RMP Amendments have significant environmental impacts because they
25 redefined VRM Class II management criteria to permit leasable mineral entry and renewable
26 energy development, allowing developed uses on all Class II designated lands in the Planning
27 Area. This change, taken together with the visual resource management classifications outlined
28 in the ROD, effectively opened about 40 percent of the Planning Area to energy development.

1 Had BLM maintained the VRM definitions and allocations as they appeared in both the Draft
2 RMP DEIS and the Proposed RMP FEIS, close to 90 percent of the Planning Area would be
3 protected from such development. This change altered the environmental impact of the RMP
4 significantly beyond that which was envisioned by the Draft RMP DEIS and Proposed RMP
5 FEIS. Therefore, a supplemental EIS was required under NEPA to address the impacts of this
6 substantial revision on the affected environment.

7 **The Proposed RMP FEIS Fails to Consider the Powerlink Project's Exemption from the**
8 **RMP and the Effects of that Exemption on the Eastern San Diego County Environment**

9 68. The Proposed RMP FEIS failed to describe or analyze BLM's concurrent
10 deliberations on a major exemption to the RMP that would allow the Powerlink transmission line
11 to cut through the Planning Area in areas outside of the RMP designated utility corridor. BLM
12 was aware of the contemplated exemption and should have prepared a supplemental EIS to
13 address the impacts of the increased level of energy development allowed under the new
14 development-intensive RMP along with the Powerlink.

15 69. For the foregoing reasons, BLM's aforesaid actions violated NEPA. Accordingly,
16 under the APA, 5 U.S.C. § 706(a), this Court should hold unlawful and set aside defendants'
17 October 10, 2008 approval of the RMP as violative of NEPA.

18 **SECOND CLAIM FOR RELIEF**

19 **FWS'S RMP BIOLOGICAL OPINION AND BLM'S**
20 **RELIANCE THEREON VIOLATED ESA**

21 **(For declaratory and injunctive relief under 28 U.S.C. §§ 2202-2201,**
22 **and for violations of the Endangered Species Act, 16 U.S.C. § 1531 et seq.**
23 **and Administrative Procedure Act, 5 U.S.C. § 706)**

24 **(ALLEGED BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS)**

25 70. The paragraphs set forth above are realleged and incorporated herein by reference.

26 71. The Endangered Species Act establishes a three-step consultation procedure to
27 assure that federal agencies undertaking or approving an action ("action agencies"), such as BLM
28 here, adequately confer with the FWS regarding the potential adverse impacts of proposed
projects on federally-listed threatened and endangered species. 16 U.S.C. § 1536(a)(2); 50 C.F.R.

1 § 402.12; *Pacific Coast Federation of Fishermen’s Associations v. U.S. Bureau of Reclamation*,
2 138 F.Supp.2d 1228, 1240-47 (N.D. Cal. 2001) (“*PCFFA*”). These three steps require the action
3 agency to: (1) advise FWS of the area in which the plan activities are proposed (and in response,
4 FWS must provide the federal agency with a list of the endangered and threatened species in the
5 plan area); (2) “prepare a ‘[biological assessment]’ to determine whether such species ‘[are]’
6 likely to be affected’ by the action” (*PCFFA, supra*, 138 F.Supp.2d at 1240, quoting from *Pacific*
7 *Rivers Council v. Thomas*, 753 F.2d 754, 763 (9th Cir.1985); 50 C.F.R. § 402.12(i)); and (3) not
8 proceed with the project until FWS has prepared a formal BiOp evaluating the project’s potential
9 to adversely affect any species or potentially affected critical habitat. 16 U.S.C. § 1536(b); 50
10 C.F.R. § 402.14. Thereafter, the action agency must independently ensure that any action that it
11 takes will not jeopardize the survival of any listed species or adversely modify its habitat. 16
12 U.S.C. § 1536(a)(2).

13 **BLM Failed to Consult with the U.S. Fish and Wildlife Service and**
14 **Prepare a Supplemental BA Regarding the 2008 Revisions to the RMP**

15 72. As alleged above, after issuing its RMP BA, BLM changed the VRM
16 classifications of significant portions of the Planning Area and altered the allowed uses within
17 certain VRM classifications, thereby substantially increasing the level of development allowed
18 under the new Plan. BLM, however, did not prepare a supplemental RMP BA or otherwise
19 update its consultation information to address the newly amended RMP’s much greater adverse
20 effects. This failure violated ESA.

21 **The RMP BiOp Does Not Adequately Address Effects of the 2008 Revisions to the RMP**

22 73. Because BLM failed to prepare a supplemental RMP BA, the RMP BiOp does not
23 adequately address the effects of the 2008 RMP Amendments on listed species. The RMP BiOp
24 acknowledges the changes in the RMP, but fails to fully address the increased effects of the RMP
25 on listed species.

26 **The RMP BiOp Fails to Address the Impacts of the Sunrise Exemption on the RMP**

27 74. FWS’s RMP BiOp does not comply with ESA because it fails to account for the
28 effects of the development of the Powerlink Project outside of the RMP’s designated utility

1 corridor. At the time that BLM was considering the RMP, it was also deliberating on the
2 Powerlink Project, the effects of which change the RMP analysis by allowing, through a
3 purported one-time exemption from the Plan, construction of the Powerlink Project outside of the
4 utility corridor, thereby inducing development of substantial new energy production facilities
5 along the Powerlink route. By turning a blind eye to the critical impacts of this known project,
6 the RMP analysis de-emphasized the impacts of the downgrading of the VRMs and ignored the
7 increased likelihood that renewable energy projects would be built within the McCain Valley and
8 other sensitive areas in the near future.

9 **The RMP BiOp Fails to Use the Best Scientific and Commercial Information Available**

10 75. FWS's lack of surveys of the Planning Area prevented the preparation of an
11 accurate analysis of the effects of the RMP amendments on listed species. Consequently, FWS's
12 RMP BiOp was inaccurate and incomplete and therefore violated ESA. The RMP BiOp did not
13 base its conclusions on actual surveys; rather it deferred a complete analysis of the RMP's effects
14 until surveys later become available. FWS's failure to timely procure species surveys severely
15 inhibited its ability to accurately assess the effects of the RMP on listed species. Further, the
16 RMP BiOp failed to address the information contained in BAD's November 17, 2008 protest and
17 therefore did not utilize the best scientific and commercial data available.

18 **BLM's Adoption of the Conclusions in the RMP BiOp Violate ESA**

19 76. FWS's preparation of the flawed BiOp, and BLM's reliance thereon, violate ESA's
20 requirement under 16 U.S.C. section 1536(b) that FWS conduct adequate consultation and under
21 16 U.S.C. section 1536(a)(2) that BLM ensure that its actions will not cause jeopardy to listed
22 species, or adversely modify their critical habitat.

23 77. For the foregoing reasons, defendants' approvals of the Biological Opinions, the
24 RMP and the Powerlink Project violated ESA. Accordingly, this Court should set aside FSW's
25 2008 RMP BiOp and BLM's approval of its 2008 RMP as contrary to ESA and the APA.

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1 **THIRD CLAIM FOR RELIEF**

2 **THE RMP VIOLATED FLPMA**

3 **(For injunctive and declaratory relief under 28 U.S.C. §§ 2201-2022 and for violations of**
4 **the Federal Land Policy Management Act, 43 U.S.C. § 1701 et seq., and Administrative**
5 **Procedure Act, 5 U.S.C. § 706)**

6 **(ALLEGED BY ALL PLAINTIFFS AGAINST THE BLM DEFENDANTS)**

7 78. The paragraphs set forth above are realleged and incorporated herein by reference.

8 79. FLPMA establishes minimum standards for resource management plans. 43 U.S.C.
9 § 1712(c); 43 CFR § 1610.4-6. When developing and revising land use plans, BLM must:
10 employ “the principles of multiple use and sustainable yield;” use a “systematic interdisciplinary
11 approach to achieve integrated consideration of physical, biological and other sciences;” give
12 “priority to protection of areas of critical environmental concern;” consider “present and potential
13 uses of public lands” and “the relative scarcity of [their] values;” and weigh “long-term benefits
14 to the public against short-term benefits.” *Id.* BLM’s implementing regulations also require that
15 it “estimate and display the . . . effects of implementing each alternative considered in detail,”
16 guided by NEPA. 43 C.F.R. § 1610.4-6.

17 80. BLM violated FLPMA and its implementing regulations by:

18 (1) committing substantial areas to industrial development without first
19 conducting an adequate review of the adverse impacts of this development on the affected plant,
20 wildlife, scenic, scientific, historic, recreational and cultural resources;

21 (2) failing to conduct adequate surveys on listed species (and failing to
22 commence formal consultation under ESA section 7 until three years into the planning process),
23 in violation of its duty to integrate consideration of biological resources into the RMP;

24 (3) failing to give priority to the designation and protection of ACECs and
25 critical habitat of listed species, and instead subordinating wildlife protection to energy
26 development without first conducting adequate environmental reviews, in violation of the
27 requirement that BLM prioritize protection of areas of critical environmental concern;

28 (4) failing to fully consider the effects of present and future potential land uses

1 on wildlife resources and listed species within the Planning Area, in violation of the requirement
2 to carefully weight those benefits; and

3 (5) failing to conduct a reasoned analysis of the relative need for industrial
4 development and the commensurate loss of areas of high visual value and critical environmental
5 concern and recreation, as well as critical habitat, in violation of its duties to “consider [the]
6 relative scarcity of the values involved and the availability of alternative means . . . for the
7 realization of those values,” and “[to] weigh the long-term benefits to the public against the short-
8 term benefits.”

9 81. For the foregoing reasons, BLM’s approvals of the RMP and the Powerlink Project
10 violated FLPMA. Accordingly, this Court should set aside those approvals as contrary to
11 FLPMA and the APA.

12 **FOURTH CLAIM FOR RELIEF**

13 **BLM’S DISMISSAL OF BAD’S PROTEST VIOLATED FLPMA**
14 **(For declaratory and injunctive relief under 28 U.S.C. §§ 2201 -2202,**
15 **and for violations of the Federal Land Policy Management Act,**
16 **43 U.S.C. § 1711 et seq., 43 C.F.R. 1610.5-2, and**
17 **the Administrative Procedure Act, 5 U.S.C. § 706)**

18 **(ALLEGED BY BAD AND DONNA TISDALE AGAINST DOI AND BLM**
19 **DEFENDANTS)**

20 82. The paragraphs set forth above are realleged and incorporated herein by reference.

21 83. Pursuant to FLPMA, 43 U.S.C. § 1711(a), BLM promulgated 43 C.F.R. 1610.5-2,
22 to provide for a one-stage protest process for review of public objections to its resource
23 management plans. 43 C.F.R. 1610.5-2. BLM’s regulations for protests to its land planning
24 decisions provide that a protest letter must set forth, among other requirements, “[a] concise
25 statement explaining why the State Director’s decision is believed to be wrong.” 43 C.F.R.
26 1610.5-2 (1983).

27 84. On November 17, 2008, BAD submitted a protest letter, appealing the adoption of
28 the RMP, pursuant to 43 C.F.R. section 1610.5-2 (1983). BAD’s November 17, 2008 protest
raised objections to the RMP on the grounds that the 2008 Amendments, and the RMP in its

1 entirety, were based on deficient environmental reviews that violate NEPA, ESA, and FLPMA.
2 Then California State BLM Director Mike Pool issued a decision summarily dismissing
3 plaintiffs' protest on January 12, 2009. The primary reason given by BLM was that plaintiffs'
4 letter allegedly failed to contain a short statement "explaining why the State Director's decision is
5 believed to be wrong." Yet, plaintiffs' letter clearly contains such a statement. Defendants'
6 dismissal of plaintiffs' protest was arbitrary and capricious because (1) the dismissal fails to
7 provide an adequate explanation of BLM's reasons for dismissing the protest and (2) BAD's
8 protest clearly did satisfy the requirements of the applicable regulation. Accordingly, BLM
9 lacked grounds for dismissing BAD's protest for failing to fulfill that requirement. Its dismissal
10 of BAD's protest was therefore arbitrary and capricious and contrary to the governing regulation,
11 in violation of FLPMA and the APA.

12 85. For the foregoing reasons, BLM's dismissal of BAD's protest was contrary to
13 FLPMA and the APA. Accordingly, this Court should set aside BLM's dismissal of BAD's
14 protest and BLM's subsequent approval of the RMP and the Powerlink Project.

15 **FIFTH CLAIM FOR RELIEF**

16 **BLM FAILED TO COMPLY WITH NEPA IN GRANTING RIGHTS OF WAY**
17 **AND TEMPORARY USE PERMIT FOR THE POWERLINK PROJECT**
18 **(For declaratory and injunctive relief under 28 U.S.C. §§ 2202-2201, and for violations of**
19 **the National Environmental Policy Act, 42 U.S.C. § 4321 et seq. and Administrative**
20 **Procedure Act, 5 U.S.C. § 706)**

21 **(ALLEGED BY ALL PLAINTIFFS AGAINST DOI AND BLM DEFENDANTS)**

22 **The Powerlink EIS Fails to Clearly and Concisely Describe and Analyze the Selected Route**

23 86. The paragraphs set forth above are realleged and incorporated herein by reference.

24 87. NEPA regulations require an EIS to be "concise, clear, and to the point." 40 C.F.R.
25 § 1502.1. More specifically, the regulations demand that the EIS "[d]evote substantial treatment
26 to each alternative considered in detail including the proposed action so that reviewers may
27 evaluate their comparative merits." 40 C.F.R. § 1502.14(b). Furthermore, the EIS must provide
28 "a clear basis for choice among the options." 40 C.F.R. § 1502.14.

1 88. Contrary to these requirements, the Powerlink EIS documents² were muddled and
2 confusing and did not reveal to the reader the impacts of the selected project in a clear or concise
3 manner. For example, the Powerlink EIS contained extensive discussions of the impacts of the
4 “*proposed* [but later *rejected*] project,” but did not provide such information about the *selected*,
5 Southern Route. The Powerlink EIS documents were plagued by a myriad of constantly changing
6 alternatives that evaded clear communication of the impacts of each alternative. These
7 deficiencies prevented the public from conducting informed review of and providing informed
8 comment on, all of the different routes proposed in the Powerlink EIS. Hidden among the
9 shifting routes was the final selected project; the scant analysis of the final route was presented in
10 vague, confusing and obscure sections of the Powerlink FEIS buried among the many other
11 revisions to alternative route options.

12 89. In addition to lacking a clear and consistent description of the selected route, the
13 Powerlink EIS documents were inherently confusing because they failed to analyze the
14 environmental impacts of the route as a whole. Instead, the fragmented and minimal descriptions
15 of the impacts of the selected route were scattered throughout the Powerlink EIS. Without a
16 consistent route description, the analysis in the Powerlink EIS was fundamentally and fatally
17 flawed.

18 90. The disjointed presentation of the environmental impact analyses for the selected
19 route was compounded by the fact that the Powerlink EIS provided unclear and differing
20 depictions of the route. Even if a reader were able to sift through, collect and distill the variously
21 located individual segment analyses, she would still be unable to obtain a comprehensive
22 understanding of the selected route’s impacts because the Powerlink EIS never provided a clear
23 and unchanging description of the route.

24 **The Powerlink FEIS Fails to Establish the Need for the Project’s Additional Capacity**

25 91. NEPA regulations require that an EIS provide a clear statement of “the underlying
26

27
28 ²As discussed previously, “Powerlink EIS” refers to the Powerlink DEIS, Powerlink
SDEIS, and Powerlink FEIS.

1 purpose and need to which the agency is responding in proposing the alternatives including the
2 proposed action.” 40 C.F.R. § 1502.13. An EIS must “be supported by evidence that the agency
3 has made the necessary environmental analyses.” 40 C.F.R. §1502.1.

4 92. Contrary to these requirements, a true need for the Powerlink was not
5 independently established in the Powerlink FEIS. For example, the Powerlink FEIS failed to
6 explain why the existing and foreseeable transmission capacity already in the planning pipeline
7 will not foster renewable energy development even without the Powerlink Project. Had BLM
8 independently analyzed and attempted to verify SDG&E’s assertions of need for the project, it
9 would have realized that they are misleading, contrary to fact, and ultimately do not establish any
10 need for the project at all.

11 93. In an attempt to establish a need for the Project, the Powerlink FEIS relied on
12 SDG&E’s projection of an electricity shortage and reliability deficiency in the San Diego area by
13 2010 or 2011 if a major new transmission project were not built. *See* Powerlink FEIS, A-6, 8.
14 However, not only did the Powerlink FEIS fail to substantiate the forecasted shortage, the
15 projection was wrong. Moreover, SDG&E had plenty of options for increasing local generation
16 to meet future energy demand. Similarly, SDG&E could achieve its state-mandated renewable
17 energy portfolio targets without having to construct either Powerlink or any other new large-scale
18 transmission project aimed at increasing energy imports. For these reasons, the Powerlink FEIS
19 violated NEPA by failing to establish a need for the Project.

20 **The Powerlink FEIS’s Discussion of Affected Environment Is Inadequate**

21 94. NEPA regulations require that the EIS “succinctly describe the environment of the
22 area(s) to be affected.” 40 C.F.R. § 1502.15. In order to evaluate the environmental
23 consequences of the project, an accurate understanding of its current environmental setting must
24 be developed. Detailed and specific surveys must be completed to inform the decision maker of
25 the current biologic, cultural, geographic, scenic, hydrologic, and historical settings. These
26 necessary surveys had not been completed prior to BLM’s January 2009 decision to approve the
27 Powerlink Project. Therefore, the decision to approve the Powerlink Project was based on an
28 inaccurate description of the environmental setting and subsequently, an inaccurate understanding

1 of the environmental consequences of the project.

2 **The Powerlink FEIS's Analysis of the Powerlink Project's Environmental Impacts Fails**

3 95. NEPA requires federal agencies to take a "hard look" at the environmental impacts
4 of proposed major actions and "provide a full and fair discussion of significant environmental
5 impacts" for the public's review. 40 C.F.R. § 1502.1. Contrary to this mandate, the Powerlink
6 FEIS failed to adequately address the following impacts of the Powerlink Project:

7 96. The Powerlink FEIS failed to adequately analyze the growth inducing impacts that
8 excess transmission capacity will create by encouraging the development of additional energy
9 production facilities (renewable and fossil fuel-based) in the rural and open space areas of eastern
10 San Diego and western Imperial counties. Relatedly, the Powerlink FEIS failed to accurately
11 portray the benefits of alternatives that would not cause such growth inducing impacts by
12 encouraging energy production closer to and integrated into San Diego and its environs.

13 97. The Powerlink FEIS failed to adequately analyze the impacts of the new
14 transmission line on the increased risk of wildfires. Powerlink FEIS, Ch. 2, section 7. The FEIS
15 failed to demonstrate that fire suppression experts and providers had been consulted, and that
16 BLM had considered (1) the transmission line's role as a new ignition source, (2) the increased
17 danger of fire due to the construction of wind farms, and (3) the fact that the transmission lines
18 will traverse many remote areas that pose significant challenges to firefighting.

19 98. The Powerlink FEIS failed to provide adequate information on the project's
20 biological impacts by failing to include necessary surveys of the sensitive species that would be
21 affected by the Powerlink Project, and instead relied on vague and superficial pre-construction
22 surveys. The Powerlink FEIS failed to adequately analyze the impacts of the selected route on
23 Peninsular bighorn sheep, the Quino checkerspot butterfly or the Arroyo toad. *See* Powerlink
24 FEIS, Ch. D.2 at 271-537. The Powerlink FEIS failed to address the impacts of the proposed
25 development of massive wind farms in the McCain Valley on sensitive species in the area. *See*
26 Powerlink FEIS, Ch. D.5 at 1-102. This development will pose significant threats to the future
27 viability of species in the area, especially the avian species and the Peninsular bighorn sheep, and
28 accordingly should have been discussed and analyzed in the FEIS.

1 99. The Powerlink FEIS failed to adequately discuss the impacts of the project on
2 climate change. It should have estimated the quantity of greenhouse gas emissions that the
3 project will cause, either directly or indirectly, and compared them with the greenhouse gas
4 emissions of alternatives to the project. The Powerlink FEIS presumed that a substantial portion
5 of the electricity it would transmit would come from renewable sources, but it provided no
6 analysis of the contrary likelihood that much of the energy would in fact come from non-
7 renewable sources, including SDG&E’s own natural gas infrastructure and supplies a short
8 distance south in Mexico. Additionally, while the Powerlink FEIS summarily concluded that the
9 overall climate change impacts of the selected and proposed routes would be identical, this
10 conclusion was not supported by any evidence or analysis and did not constitute the “hard look”
11 required by NEPA.

12 100. The Powerlink FEIS’s discussion of viewsheds was inadequate because it focused
13 on the impacts of the proposed route, not the route that was ultimately selected. Powerlink FEIS
14 section D.31. Its failure to address the visual impacts of the *selected* route violated NEPA. The
15 Powerlink FEIS also failed to adequately compare the visual impacts of the chosen route with the
16 other route options discussed in the Powerlink FEIS and ignored entirely the impact of the
17 development of wind farms in the McCain Valley on its highly scenic viewsheds.

18 101. The Powerlink FEIS did not adequately discuss the effects of the Powerlink Project
19 and its attendant industrial development on the rural character and quality of life of backcounty
20 communities. Powerlink FEIS Ch. D.4 at 1-112. The industrialization of affected areas of
21 eastern San Diego County will adversely affect the lives of the residents who have chosen to live
22 in those rural communities in part because of their close connection to nature.

23 102. The Powerlink FEIS failed to adequately analyze the impacts of the new
24 transmission line on the cultural and historic resources in the area, despite the fact that the
25 transmission line will cut through areas with high historic and cultural value. Large segments of
26 the project area have not been field surveyed for the presence of cultural resources. Despite
27 acknowledging potentially significant impacts on cultural resources, the Powerlink FEIS
28 improperly deferred determination of the cultural resource impacts until an unknown future date.

1 Further, the Powerlink FEIS neglected to disclose and analyze impacts to several known existing
2 cultural sites in violation of NEPA.

3 103. The Powerlink FEIS failed to adequately address the impacts of the project on the
4 wilderness experience of hikers, campers, other visitors and residents. Powerlink FEIS, Ch. D.5
5 at 1-102. It did not analyze the direct, adverse effect of the presence of industrial development,
6 and the foreseeable development of wind farms in the McCain Valley, on what are presently
7 natural landscapes.

8 104. Because the development of the Powerlink Project will involve the cutting of new
9 roads into previously inaccessible areas, public use of these areas, whether authorized or
10 unauthorized, will increase substantially. This increase in use is likely to result in increased fire
11 danger, the spread of invasive species, vandalism, and disruption of habitat in remote, currently
12 unaltered natural resource areas. These impacts were not adequately addressed in the Powerlink
13 FEIS.

14 105. The Powerlink FEIS failed to adequately address the impact of surface and
15 groundwater use associated with the project and its inducement of additional energy development
16 along the selected route. Boulevard and surrounding homes and ranches have no access to
17 imported water, and must rely on their groundwater basins to provide all of their municipal,
18 domestic, fire suppression and agricultural needs. A substantial section of the Powerlink route is
19 within the federally-designated Campo/Cottonwood Creek Sole Source Aquifer. The Powerlink
20 FEIS did not address the cumulative impact of other developments that may draw water from
21 these basins. The Powerlink FEIS also failed to adequately study the project's impacts to surface
22 water resources that may be affected by pumping, erosion and sedimentation.

23 **The Powerlink FEIS Segmented Environmental Review of Connected Actions**

24 106. NEPA requires that all connected actions be considered in the same document.
25 Segmenting projects that are interrelated improperly understates their combined impacts. BLM
26 segmented environmental review by failing to analyze in the Powerlink FEIS foreseeable
27 development: (1) in McCain Valley, (2) resulting from the 2008 amendment to BLM's RMP, and
28 (3) resulting from future development of power sources, including fossil fuel based energy

1 sources, that the Powerlink Project will induce.

2 **The Powerlink FEIS Fails to Consider the Cumulative Impacts**
3 **of the Project Along with Other Foreseeable Projects**

4 107. The Powerlink FEIS failed to analyze many foreseeable projects that will contribute
5 to significant cumulative impacts including impacts resulting from the project in combination
6 with the development that is now allowed in the McCain Valley under the amendment to BLM’s
7 RMP. These projects combined with the Powerlink Project could cause widespread cumulative
8 impacts to the natural resources of San Diego and Imperial Counties, including the foreseeable
9 industrialization of areas that have survived up until now as undisturbed habitat and open space.

10 **The Powerlink FEIS Fails to Consider a Reasonable Range of Alternatives**

11 108. NEPA requires federal agencies to study, develop and describe a reasonable range
12 of alternatives that might avoid or mitigate a project’s adverse environmental impacts. 42 U.S.C.
13 § 4332(2)(C)(iii), (E). Contrary to this duty, BLM dismissed feasible alternatives as infeasible
14 and failed to consider other viable alternatives completely. For example, it was feasible to
15 require consideration of an alternative that required the project’s transmission capacity to be
16 dedicated in whole or in part to renewable energy. Although requested by many commenters, no
17 such alternative was included in the FEIS. Similarly, the Powerlink FEIS failed to adequately
18 consider another environmentally beneficial option – undergrounding of the project lines. *See*
19 *Powerlink FEIS*, ES 34-36. This alternative was feasible and would avoid many of the project’s
20 significant impacts. Yet it was not addressed in the FEIS.

21 109. The Powerlink FEIS’s failure to include adequate, accurate, and up-to-date
22 information stymied any comparison of the alternatives that were presented. The lack of key
23 information on the various routes’ impacts precluded informed public review.

24 **The Powerlink FEIS Fails to Adequately Address the Impact of the Project**
25 **on the Cleveland National Forest, Including the Need for Multiple Amendments**
26 **to the Applicable Forest Plan**

27 110. NEPA requires an EIS to address the impacts of the project’s compliance (or not)
28 with state and federal environmental regulations and standards. *Sierra Club v. Forest Service*,

1 843 F.2d 1190, 1195 (9th Cir. 1988), *citing* 40 C.F.R. § 1508.27(b)(10). Contrary to this
2 mandate, the Powerlink FEIS failed to disclose that the selected route would require major
3 amendments to the Forest Plan for the Cleveland National Forest (CNF). Nor did the Powerlink
4 FEIS adequately analyze or mitigate the impacts resulting from such an amendment.
5 Furthermore, the Powerlink FEIS failed to adequately address the many inconsistencies of the
6 Powerlink Project with the current Forest Plan’s environmental protections.

7 111. First, the discussion of the CNF Forest Plan in the Powerlink FEIS was inconsistent
8 and confusingly scattered throughout the document. Powerlink FEIS, E.2.2-22; E.3.1-3;
9 Appendix 14; F0003-1 to F0003-10 at 4-20 to 4-26. Second, the Powerlink FEIS failed to
10 adequately address the Powerlink Project’s conflicts with the Forest Plan’s Fire Prevention
11 Standards, which protect the public and forest resources from wildfire, by “[r]educ[ing] the
12 number of human-caused wildland fires and associated human and environmental impacts. . . .”
13 Forest Plan at p. 116. Third, the Powerlink FEIS did not address the cumulative impacts of the
14 project’s impacts along with the master special use permit currently under review for all SDG&E
15 powerlines that cross Forest Service lands. Fourth, the Powerlink FEIS failed to adequately
16 address the project’s conflicts with several Forest Plan land-use zones, such as its Back Country
17 Motorized Use Restricted Zone. Forest Plan at 7. The Powerlink FEIS contained misleading
18 information with regard to the Project’s consistency with those land-use zones, providing
19 contradictory information and failing to disclose that powerlines are inconsistent with those
20 zones. Fifth, the Powerlink FEIS failed to adequately address the Powerlink Project’s conflicts
21 with the Forest Plan’s riparian area conservation standards, which call for the preservation of
22 riparian areas. Forest Plan, Part 3, page 66; Part 1, page 41; Part 3, page 65; Part 2, page 95. The
23 Powerlink FEIS neither identified the riparian areas that will be affected, nor adequately
24 mitigated the project’s impacts on them. Sixth, even though the selected route is likely to impact
25 suitable habitat for the Laguna Mountain skipper and San Diego thornmint, thorough surveys for
26 these two species were not conducted along the selected route prior to approval of the project.
27 Powerlink FEIS, E.2.2. Seventh, the Powerlink FEIS did not adequately identify activities with
28 the potential to harm heritage resources or develop suitable mitigation measures for the same

1 reason. *Id.*, E.2.4. These impacts thus were left unaddressed, a violation of NEPA.

2 112. For each of these reasons, BLM’s Powerlink FEIS violates NEPA. Accordingly,
3 this Court should set aside BLM’s Powerlink FEIS and BLM’s approval of the rights-of-way and
4 use permit for the Powerlink Project as contrary to NEPA and the APA.

5 **SIXTH CLAIM FOR RELIEF**

6 **THE PROJECT APPROVAL VIOLATES FLPMA**
7 **(For declaratory and injunctive relief under 28 U.S.C. §§ 2202-2201, and for violations of**
8 **the Federal Land Policy Management Act, 43 U.S.C. §1701 et seq. and Administrative**
9 **Procedure Act, 5 U.S.C. § 706)**

10 **(ALLEGED BY ALL PLAINTIFFS AGAINST DOI AND BLM DEFENDANTS)**

11 113. The paragraphs set forth above are realleged and incorporated herein by reference.

12 114. The Federal Land Policy Management Act directs that:

13 the public lands be managed in a manner that will protect the quality of scientific,
14 scenic, historical, ecological, environmental, air and atmospheric, water resource,
15 and archeological values; that, where appropriate, will preserve and protect certain
16 public lands in their natural condition; that will provide food and habitat for fish
17 and wildlife and domestic animals; and that will provide for outdoor recreation and
18 human occupancy and use.

19 43 U.S.C. § 1701(a)(8).

20 115. FLMPTA further requires agencies that are considering applications for rights-of-
21 way to limit to the extent feasible the natural resource damage of the proposed project. 43
22 U.S.C. § 1765. FLPMA mandates that “[e]ach right-of-way shall be limited to the ground which
23 the Secretary concerned determines [. . .] will do no unnecessary damage to the environment.” 43
24 U.S.C. § 1764. FLPMA also requires that “[e]ach right-of-way shall contain . . . terms and
25 conditions which will . . . minimize damage to scenic and esthetic values and fish and wildlife
26 habitat and otherwise protect the environment.” 43 U.S.C. § 1765. These requirements are
27 strictly enforced and cannot be easily counterbalanced by project proponents’ claims of
28 inconvenience or cost. *Trout Unlimited v. U.S. Dept. of Agriculture*, 320 F.Supp.2d 1090, 1108
(D. Colo. 2004).

1 116. Contrary to these mandates, BLM failed to consider terms and conditions that
2 would avoid or reduce the Powerlink Project’s impacts, such as (1) requiring SDG&E to commit
3 a certain percentage of its capacity to renewable energy transmission; (2) including terms and
4 conditions in the rights-of-way (“ROW”) that would require undergrounding of the line in, at a
5 minimum, the most sensitive areas; (3) selecting a “non-wire” alternative such as relying on
6 distributed power generated in or near the urban demand centers; and finally, (4) providing terms
7 and conditions in the ROW that address McCain Valley’s outstanding scenic and habitat
8 resources.

9 117. Further, FLPMA requires that rights-of-way be co-located to the extent feasible. 43
10 U.S.C. § 1763. Contrary to this mandate, BLM failed to require co-location of the Powerlink
11 Project along side the existing Southwest Powerlink transmission line “to minimize adverse
12 environmental impacts and the proliferation of separate rights-of-way” (*id.*) and to “minimize
13 damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the
14 environment” (43 U.S.C. § 1765).

15 118. For the foregoing reasons, BLM’s approval of the Powerlink Project’s rights-of-
16 way violated FLPMA. Accordingly, this Court should set aside BLM’s approval as contrary to
17 FLPMA and the APA.

18 **SEVENTH CLAIM FOR RELIEF**

19 **FWS’S POWERLINK BIOLOGICAL OPINION AND BLM’S** 20 **RELIANCE THEREON VIOLATED ESA**

21 **(For declaratory and injunctive relief under 28 U.S.C. §§ 2202-2201, and for violations**
22 **of the Endangered Species Act, 16 U.S.C. § 1531 et seq. and Administrative Procedure Act,**
23 **5 U.S.C. § 706)**

24 **(ALLEGED BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS)**

25 **FWS Failed to Follow the Proper Section 7 Consultation Procedures Under ESA**

26 119. The paragraphs set forth above are realleged and incorporated herein by reference.

27 120. Under section 7 of ESA, any agency that authorizes, funds, or carries out an action
28 must “insure that [such action] is not likely to jeopardize the continued existence of any
endangered species or threatened species or result in the destruction or adverse modification of

1 habitat.” 16 U.S.C. § 1536(a)(2). In order to achieve this goal, before approving a project that
2 might affect listed species, the action agency must consult with FWS to determine which species
3 may be affected, the extent of those adverse impacts, and how they can be mitigated. These
4 consultation requirements are met through the preparation of a biological assessment (“BA”) by
5 the action agency, potentially a biological opinion (“BiOp”) by FWS, and potentially an
6 incidental take statement (“ITS”) by both.

7 121. Defendants violated these consultation requirements. The entirety of the ESA
8 process for the Powerlink Project took place in just over one month, even though its impacts
9 extend across nearly 125 miles of highly varied habitats. This rushed and incomplete
10 consultation was not sufficient to accomplish adequate, thorough, and meaningful analysis of the
11 effects of the project on listed species. Without adequate consultation these species will not be
12 sufficiently protected as required by ESA.

13 **FWS Failed to Use the Best Available Science in Making Determinations Under the ESA**

14 122. ESA mandates that “each agency shall use the best scientific and commercial data
15 available.” 15 U.S.C. § 1536(a)(2). In order to fulfill this requirement, the action agency must
16 provide FWS with data “which can be obtained during the consultation for an adequate review of
17 the effects that an action may have upon listed species or critical habitat.” 50 C.F.R. § 402.14(d).
18 If an agency fails to provide such information, as BLM has failed to do here, the best available
19 data requirement has not been met and ESA review must be deemed inadequate. *Roosevelt*
20 *Campobello Intern. Park Com’n v. U.S. E.P.A.*, 684 F.2d 1041, 1055 (1st Cir. 1982).

21 123. The best available data rule requires that the information relied upon is accurate and
22 accepted as the best available information that currently exists. However, BLM’s BA reveals that
23 surveys were initiated on the proposed route but *not on the selected route*, and therefore the data
24 used is not pertinent or accurate. Additionally, FWS’s no jeopardy determination is based in its
25 entirety on SDG&E’s commitment to conduct future surveys prior to commencing construction.
26 FWS failed to comply with the best available data requirement when it rendered an opinion in the
27 absence of surveys of the entirety of the affected project area and relied on future, unverified
28 information.

1 a plan to make a plan, not real mitigation. FWS thus failed to ensure that the mitigation being
2 adopted would be effective and that suitable lands were in fact available to compensate for loss of
3 habitat *before* the decision to proceed was made. Thus, the habitat mitigation measures on which
4 the Powerlink BiOp relied failed to assess whether, much less assure that, mitigation would be
5 feasible and effective.

6 **Approval of the Incidental Take Statement Violates the ESA and BLM Policy**

7 128. ESA requires that an incidental take statement (“ITS”) specify “the impact of such
8 incidental taking on the species.” 16 U.S.C. § 1536(b)(4)(i); 50 C.F.R. § 402.14(i)(1). This
9 impact should be expressed in terms of a specific number of individual listed animals or plants
10 whenever possible. *Oregon Natural Resources Council (“ONRC”) v. Allen*, 476 F.3d 1031, 1037
11 (9th Cir. 2006); *Arizona Cattle Growers’ Ass’n v. U.S. Fish and Wildlife, Bureau of Land*
12 *Management*, 273 F.3d 1229, 1249 (9th Cir. 2001). Under no circumstances can the agency
13 merely quantify “take” in terms of acreage of habitat. *ORNC v. Allen*, 476 F.3d at 1037-38. Such
14 a vague description provides no precise trigger for the re-initiation of consultation because it is
15 impossible to know when the number of species taken rises to the level of adverse modification
16 or jeopardy. *Id.* at 1038. Contrary to this prohibition, the Powerlink BiOp relies on habitat-based
17 thresholds to trigger re-initiation of consultation with regard to the coastal California gnatcatcher,
18 the Least Bell’s vireo, the Arroyo toad, the Quino checkerspot butterfly, and the Peninsular
19 bighorn sheep, in clear violation of ESA and BLM policy.

20 **BLM’s Reliance on the Powerlink BiOp Also Violates ESA**

21 129. BLM has an independent duty to ensure that the actions it approves do not
22 jeopardize endangered or threatened species. BLM’s reliance on FWS’s faulty Powerlink BiOp
23 thus also violates ESA.

24 130. For the foregoing reasons, defendants’ approval of the Powerlink Project and its
25 BiOp violate ESA. Accordingly, this Court should set aside those approvals as contrary to ESA
26 and the APA.

27 ///

28 ///

1 **EIGHTH CLAIM FOR RELIEF**

2 **FAILURE TO SURVEY FOR HISTORIC PROPERTIES AND PROVIDE PUBLIC**
3 **NOTICE OF A PROGRAMMATIC AGREEMENT VIOLATED THE NHPA**
4 **(For declaratory and injunctive relief under 28 U.S.C. §§ 2202-2201 and for violations of**
5 **the National Historic Preservation Act, 16 U.S.C. § 470 *et seq.* and Administrative**
6 **Procedure Act, 5 U.S.C. § 706(2))**

7 **(ALLEGED BY ALL PLAINTIFFS AGAINST BLM DEFENDANTS)**

8 131. The paragraphs set forth above are realleged and incorporated herein by reference.

9 132. Congress enacted the NHPA, 16 U.S.C. § 470 *et seq.*, to “accelerate federal historic
10 preservation programs” and to foster cooperation between federal, state, and local authorities. 16
11 U.S.C. § 470. The NHPA requires federal agencies to consider the effects of an “undertaking” on
12 a site or object included, or eligible for inclusion, in the National Register, and requires that the
13 Advisory Council on Historic Preservation administering the Act be given an opportunity to
14 comment upon the proposed undertaking. 16 U.S.C. § 470. “The goal of consultation is to
15 identify historic properties potentially affected by the undertaking, assess its effects and seek
16 ways to avoid, minimize or mitigate any adverse effects on historic properties.” 36 C.F.R. §
17 800.1(a).

18 **BLM’s Failure to Survey for Historic Properties Violates NHPA**

19 133. Where, as here, alternatives being considered consist of large corridors, “the agency
20 official may use a phased process to conduct identification and evaluation efforts.” 36 C.F.R. §
21 800.4(b). “The agency official may also defer final identification and evaluation of historic
22 properties if it is specifically provided for in a . . . programmatic agreement executed pursuant to
23 § 800.14(b) . . .” *Id.* The process, however, must still:

24 establish the likely presence of historic properties within the area of potential
25 effects for each alternative or inaccessible area through background research,
26 consultation and an appropriate level of field investigation, taking into account the
27 number of alternatives under consideration, the magnitude of the undertaking and
its likely effects, and the views of the SHPO/THPO and any other consulting
parties.

28 *Id.* Contrary to this mandate, before approving the RMP and the Powerlink Project, BLM failed

1 to survey for and establish the likely presence of historic properties “within the area of potential
2 effects” for the project and each alternative. BLM therefore violated the NHPA.

3 **BLM Failed to Provide Public Notice and Gather Public Input**

4 134. Under the NHPA, public input is “essential to informed Federal decision-making in
5 the [NHPA section]106 process.” 36 C.F.R. 800.2(d). The NHPA regulations direct that “[t]he
6 agency official shall seek and consider the views of the public in a manner that reflects the nature
7 and complexity of the undertaking and its effects on historic properties” *Id.* BLM may
8 satisfy the public involvement requirement by using “the agency’s procedures for public
9 involvement under the NEPA or other program requirements in lieu of public involvement
10 requirements in subpart B of this part, *if they provide adequate opportunities for public*
11 *involvement consistent with this subpart.*” 36 C.F.R. § 800.2(d)(3), emphasis added.

12 135. Contrary to this mandate, in fashioning a programmatic agreement (“PA”) under 36
13 C.F.R. 800.14(b)(3), BLM failed to provide adequate opportunities for public involvement. First,
14 BLM provided barely over one page of cryptic text in the Powerlink DEIS that discusses its intent
15 to create and adopt a PA, leaving the public without an adequate opportunity to comment on this
16 complex topic. Second, BLM published the Powerlink FEIS in October 2008, two months *before*
17 *the PA was created*, leaving no realistic way for the public to be involved in the decision-making
18 process.

19 136. For the foregoing reasons, BLM’s approval of the RMP and the Powerlink Project
20 violated the NHPA. Accordingly, BLM’s approvals of the RMP and the Powerlink Project
21 should be set aside as contrary to the NHPA and the APA.

22 **XIII. RELIEF REQUESTED**

23 WHEREFORE, plaintiffs pray for judgment against the defendants as follows:

24 1. For declaratory judgment that BLM’s dismissal of plaintiffs’ November 17, 2008
25 protest to the RMP was arbitrary and capricious and in violation of the Federal Land Policy
26 Management Act, 43 U.S.C. § 1711 *et seq.*, and the Administrative Procedure Act, 5 U.S.C. §
27 701 *et seq.*;

28 2. For declaratory judgment that the RMP violates the Federal Land Policy

1 Management Act, 43 U.S.C. § 1716, the National Environmental Policy Act, 42 U.S.C. § 4321 *et*
2 *seq.*, the National Historic Preservation Act, 16 U.S.C. § 4321, their implementing regulations,
3 and the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*;

4 3. For declaratory judgment that BLM’s Biological Assessments and FWS’s
5 Biological Opinions for the RMP and the Powerlink Project, and BLM’s reliance thereon, violate
6 the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, and the Administrative Procedure Act, 5
7 U.S.C. § 701 *et seq.*;

8 4. For preliminary and permanent injunctive relief enjoining BLM’s implementation
9 of the RMP on the grounds that it is arbitrary and capricious and a violation of the above listed
10 federal environmental laws;

11 5. For declaratory judgment that BLM’s January 20, 2009 approvals of two rights of
12 way and a temporary use permit for the Powerlink Project violate the National Environmental
13 Policy Act, 42 U.S.C. § 4321 *et seq.*, the Federal Land Policy Management Act, 43 U.S.C. §
14 1716, the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, the National Historic Preservation
15 Act, 16 U.S.C. § 4321, their implementing regulations, and the Administrative Procedure Act, 5
16 U.S.C. § 701 *et seq.*;

17 6. For preliminary and permanent injunctive relief enjoining BLM from approving any
18 ongoing and future construction activities pursuant to BLM’s approvals of two rights of way and
19 a temporary use permit for the Powerlink Project;

20 7. For an order awarding plaintiffs their costs of litigation, including attorney’s fees,
21 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 or as otherwise provided by law;
22 and

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

From: donnatisdale@hughes.net [mailto:donnatisdale@hughes.net]
Sent: Wednesday, February 17, 2010 11:00 PM
To: ECOSUB; aei@cpuc.ca.gov; catulewind@blm.gov; john.rydzik@bia.com
Subject: Kumeyaay wind turbine failures

FYI:

These two linked articles have more information on the infight over the Kumeyaay Wind turbine failure and turbine blade failure in general.

<http://www.windpowermonthly.com/news/983937/Turbine-blade-split-ignites-row-Gamesa-Infigen-Energy/>

<http://www.windpowermonthly.com/news/login/953663/>

This information and more should be incorporated into the DEIR/EIS for Tule Wind, ECO Sub and ESJ.

Regards,

Donna Tisdale
donnatisdale@hughes.net
619-766-4170 home
619-985-4718 cell
619-766-4922 fax
P.O. Box 1275
Boulevard, CA 91905

From: donnatisdale@hughes.net [mailto:donnatisdale@hughes.net]
Sent: Thursday, February 18, 2010 4:41 PM
To: ECOSUB; catulewind@blm.gov; aei@cpuc.ca.gov
Cc: svolker@volkerlaw.com
Subject: ECO Sub cumulative projects

RE: Joint PUC/BLM review of ECO Substation, Tule Wind and Energia Sierra Juarez.

Please see this linked article regarding another 550 MW wind energy proposal for 15,000 acres of BLM land in Western Imperial Valley between Stirling Solar Two near Ocotillo and Tule Wind in McCain Valley Resource Conservation area.

http://www.ivpressonline.com/articles/2010/02/17/local_news/news03.txt

Please add this project to the list of significant and cumulative impacts for a variety of resources and perhaps military and law enforcement air operations and communications.

People visiting and recreating in the Anza Borrego State Park, McCain Valley, and several Wilderness Areas will have hundreds of industrial turbines invading the current open space, geographic landscapes, and quiet ambiance of the desert. The adjacent Coyote Mountains are sacred to Native Americans.

Donna Tisdale
donnatisdale@hughes.net
619-766-4170 home
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P.O. Box 1275
Boulevard, CA 91905

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This song should be lamentedly sung at night around an open campfire at
Cottonwood Campground to the tune of
"On Top of Old Smokey"

An Ode to Mount Tule - ee

I hiked up Mount Tule - ee
All covered with rocks
I saw big wind turbines
With blades on their tops

Those blades just kept spinning
Around and around
They ruined the nice view
And made a loud sound!

They also had red lights
That blinked off and on
And lit up the dark sky
For all the night long!

The stars I could not see
Because of the glare!
I am so down-hearted
I no longer care

I never will visit
This place any more
It is now so ugly
It makes my eyes sore!

So if you should visit
Mount Tule - ee to camp
Your eyes will hurt like mine
You'll never come back!

But God sent some lightning
And struck them all dead
Since then they've stopped spinning
Our eyes are not red!

I hope they won't build more
I really do hope!
Or else I'll keep singing
It helps me to cope!

Feel free to add more stanzas of your own!

(Hopefully, there will really be a happy ending!)



This song should be piningly sung on a clear day at
the Desert View vista point off of McCain Valley Road to the tune of
"Clementine"

Carrizo and McCain

Oh Carrizo, Oh Carrizo
Oh Carrizo and McCain
All your views are gone forever
Losing them gives me great pain!

From your mountains, to your valleys
Salton Sea and the sand dunes
All your views are just so awesome
Moving me to sing this tune!

Oh Carrizo, Oh Carrizo
Oh Carrizo and McCain
All your views are gone forever
I will never be the same!



Campo Band of Mission Indians
36190 Church Road #1
Campo, CA 91906

February 15, 2010

Iain Fisher
c/o Dudek
605 Third Street
Encinitas, CA 92024

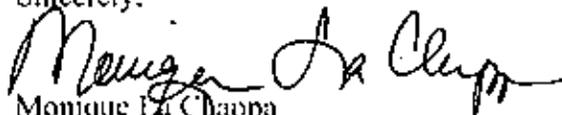
Dear Mr. Fisher,

A reliable power supply is a necessary next step for our reservation and the East County of San Diego. The Campo reservation has had years of irregular power outages that shut down our business operations and cause inconvenience to the tribal members residing here. Our community needs dependable power thus allowing us to expand our businesses and to further diversify our economy. Hence, we support San Diego Gas and Electric's East County (ECO) project and related upgrades.

We anticipate that this upgrade will improve our ability to provide services at our current operations including: the gas station, casino, tribal government buildings and our residential homes.

It is also important to note that the National Renewable Energy Laboratory has identified Eastern San Diego County as one of the top locations in North America to generate electricity from wind. We understand the ECO project will establish the infrastructure to achieve the state's renewable energy mandate under AB 32, the green house gas emissions reduction law. Therefore, The Campo Band of the Kumeyaay Nation encourages the Commission to grant the permits to SDGE for its vital ECO Substation project.

Sincerely,



Monique La Chappa
Tribal Chairwoman,
Campo Band of Mission Indians

LATE LETTERS RECEIVED

From: donnatisdale@hughes.net [mailto:donnatisdale@hughes.net]
Sent: Saturday, February 20, 2010 3:42 PM
To: ECOSUB; catulewind@blm.gov; aei@cpuc.ca.gov
Subject: Iberdrola labor and safety issues

RE: Tule Wind, ECO Sub and ESJ,

Please see the video link for interview with labor leader in Palm Springs area regarding PPM's (Iberdrola) false promises to use local labor and their collapsed tower and fatality in Oregon with \$10,000 fine.
http://web.me.com/thrnotgreen/thrnotgreen/Video_8.html

Other interesting videos are available at that site.

Also, Kumeyaay Wind has also imported more labor. At least half a dozen trucks, with Texas plates, from GES Global Energy Services were seen leaving the project area.

Donna Tisdale
donnatisdale@hughes.net
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P.O. Box 1275
Boulevard, CA 91905

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From: Donna Tisdale [mailto:tisdale.donna@gmail.com]
Sent: Tuesday, February 23, 2010 3:19 PM
To: ECOSUB; aei@cpuc.ca.gov
Subject: cumulative projects & bird impacts

Late scoping information for the Draft EIR/EIS Tule Wind, ECO Substation and ESJ projects:

Please accept the attached Plan of Development for the Ocotillo Express Wind energy project that I previously referenced as a cumulative project.
The project includes a previous proposal by Greenhunter.

Also, please accept the video at this link which includes a compelling interview with a Dr. Smallwood on the inadequate protections for birds and bats at industrial turbine facilities: http://web.me.com/thrnotgreen/thrnotgreen/Video_9.html

The cumulative impacts to multiple and varied resources from all of these large-scale industrial projects are staggering.

Thank you,

Donna Tisdale for
Backcountry Against Dumps
619-766-4170

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PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.

OCOTILLO EXPRESS WIND FACILITY

PLAN OF DEVELOPMENT

Draft

Prepared by:

Ocotillo Express LLC
One Letterman Drive, Building D
San Francisco, California 94129

September 2009

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LIST OF ACRONYMS

Area of Critical Environmental Concern	ACEC
Best Management Practices	BMP
Balance of Plant	BOP
Bureau of Land Management	BLM
Construction Operation and Maintenance	COM
Department of Energy	DOE
Energy Information Administration	EIA
Extensive Recreation Management Area	ERMA
Federal Aviation Administration	FAA
Federal Land Policy and Management Act	FLPMA
High Voltage	HV
Key Observation Point	KOP
Kilovolt	kV
Large Generator Interconnect Agreement	LGIA
Miles Per Hour	MPH
Megawatt	MW
Meters per second	mps
National Environmental Policy Act	NEPA
National Historic Preservation Act	NHPA
National Register of Historic Places	NRHP
Native American Heritage Commission	NAHC
Ocotillo Express LLC	OE LLC
Ocotillo Express Wind Project	OE
Operation and Maintenance	O&M
Plan of Development	POD
Programmatic Environmental Impact Statement	PEIS
Record of Decision	ROD
Recreation Opportunity Spectrum	ROS
Right-of-Way	ROW
Rotations per Minute	RPM
Rotor Diameters	RD
Special Recreation Management Area	SRMA

Storm Water Pollution Prevention Plan	SWPPP
Sunrise Powerlink transmission line	SPL
Supervisory Control and Data Acquisition	SCADA
Turbine Supply Agreement	TSA
Visual Resource Inventory	VRI
Visual Resource Management	VRM
Wind Turbine Generator	WTG

1.0 PROJECT DESCRIPTION

1.1 INTRODUCTION

1.1.1 Type of facility and generation capacity (Federal and non-Federal lands)

Pattern Energy, through Ocotillo Express LLC (OE LLC), proposes to construct, operate, maintain and decommission a 561 megawatt (MW) wind generation facility on approximately 14,980 acres in the Ocotillo Express wind project area (Figure 1.1-1). OE LLC acquired from Greenhunter, another developer, its rights to approximately 5,915 acres of BLM administered lands (CACA-___). OE LLC also acquired from its affiliate Wind Development Contract Co. its application for an additional 8,878 acres of adjacent BLM administered lands. OE LLC also has entered into an agreement with the owner of approximately 26 acres of private land near the center of the wind project area for wind monitoring. The three separate parcels are consolidated into a single 561MW wind project in this Plan of Development.

The proposed action consists of the construction, operation, maintenance and decommissioning of wind turbine generators and associated facilities necessary to successfully generate up to 561 MW in Imperial County west of Ocotillo, California. The project will be constructed in two phases: Phase I will comprise 130 2.3MW wind turbine generators with a total nameplate capacity of 299MW, and Phase II will comprise 114 wind turbine generators with a total nameplate capacity of 262.2MW (nameplate capacity is the full rated capacity of a wind turbine generator).

1.1.2 Proposed schedule for project (including anticipated timelines for permitting, construction and operation, and any phased development as appropriate)

- Draft EIS – TBD
- Record of Decision – TBD
- Execute LGIA – 4th quarter 2011
- Execute TSA – TBD
- Execute BOP Construction Contract – 1st quarter 2012
- Commence civil works (roads, underground electrical, foundations) – 1st quarter 2012
- Commence balance of plant electrical/civil works – 1st quarter 2012
- Turbine deliveries commence – 2nd quarter 2012
- Turbine commissioning, testing, and commercial operation – 4th quarter 2012
- Decommissioning 2042

1.2 PROPONENT'S PURPOSE AND NEED FOR THE PROJECT

Proponent's objective is to construct, operate, maintain and decommission a 561MW wind generation facility that is environmentally and economically feasible. Recent national and regional electrical demand forecasts predict that the growing consumption of electrical energy will continue to increase into the foreseeable future and will require development of new resources to satisfy this demand. The Department of Energy (DOE) Energy Information Administration (EIA) has forecasted a 41 percent growth in electricity sales by 2030, including a projected increase of 39 percent in the residential sector, 63 percent in the commercial sector,

and 17 percent in the industrial sector. This growth will require an increase in generating capacity of 347 gigawatts (347,000MW) nationwide over the next 25 years (EIA 2007).

Executive Order 13212 signed in 2001 states that the production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the American people. Reports from the Department of Energy postulate that wind power can provide 20% of the nation's electricity by 2030. The Department of Energy report finds that achieving a 20% wind contribution to U.S. electricity supply would:

- Reduce carbon dioxide emissions from electricity generation by 25 percent in 2030.
- Reduce natural gas use by 11%;
- Reduce water consumption associated with electricity generation by 4 trillion gallons by 2030;
- Increase annual revenues to local communities to more than \$1.5 billion by 2030; and
- Support roughly 500,000 jobs in the U.S., with an average of more than 150,000 workers directly employed by the wind industry.

In response to National Energy Policy recommendations on renewable energy and increased interest in wind energy development, the BLM prepared a Programmatic Environmental Impact Statement (PEIS) to analyze the potential impacts of wind energy development on public lands. The PEIS was published in June, 2005 and the Record of Decision (ROD) to implement a comprehensive Wind Energy Development Program was signed in December, 2005. As stated in the PEIS/ROD (BLM 2005), the BLM is responsible for the development of energy resources on BLM-administered lands in an environmentally sound manner in accordance with the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA) (United States Code, Title 43, Section 1701 et seq. [43 USC 1701 et seq.]). BLM Instruction Memorandum No. 2009-043 was issued December 19, 2008 to provide updated guidance on processing of right-of-way applications for wind energy projects on public lands administered by the BLM.

Additionally, the State of California has recognized the need for new and diverse energy resources including renewable energy generation options. In fact, on September 15, 2009, California Governor Arnold Schwarzenegger signed an Executive Order mandating a 33 percent renewable energy target be reached by calendar year 2020.

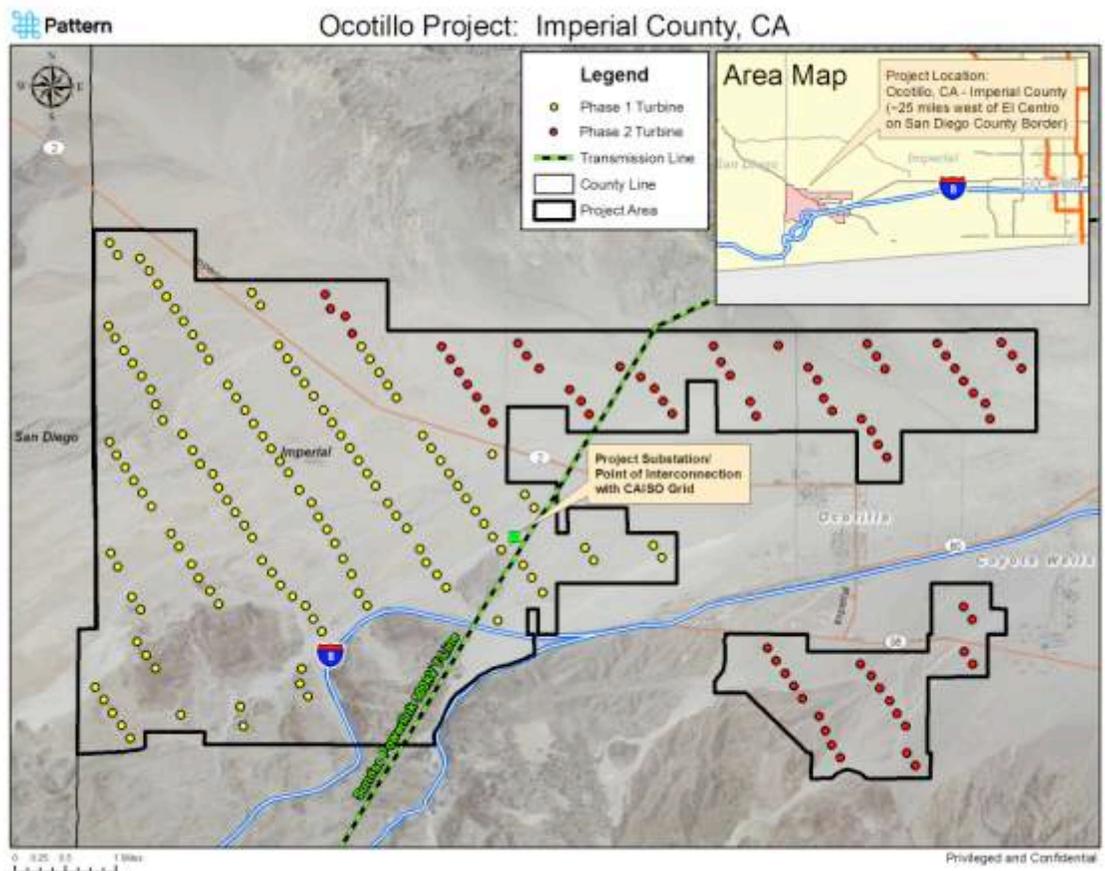


Figure 1.1-1 Project Location Map.

1.3 GENERAL FACILITY DESCRIPTION, DESIGN, AND OPERATION

1.3.1 Project location, land ownership, and jurisdiction

The proposed wind energy project would be located almost entirely on BLM administered lands in the Imperial Valley, approximately 5 miles west of Ocotillo, Imperial County, California. The Imperial Valley of California has been recognized as an area having high renewable energy development potential. A new high-voltage transmission line designed to foster development of renewable resources, known as the Sunrise Powerlink (SPL), has been approved by the BLM and other regulatory agencies. The SPL crosses the Ocotillo Wind Project site, facilitating interconnection of the project and transmission of its renewable energy output to key load centers in Southern California.

1.3.2 Legal land description of facility (BLM-administered and private lands)

A legal description of the entire right-of-way (ROW) is provided in Appendix A.

1.3.3 Total acreage and general dimensions of all facilities and components

Facilities for the proposed action would consist of wind turbine generators, an electrical collection system for collecting the power generated by each wind turbine generator (WTG), an electrical substation, access roads, and an operation and maintenance (O&M) building. The project area totals approximately 14,980 acres, of which all but 26 acres occur on BLM-administered lands covered by the requested ROW for the proposed action. The 26 acres of private land is a private parcel which OE LLC has leased for wind monitoring. The total area estimated for use by the wind energy facility (including short term disturbance) is approximately 2000 acres, or approximately 14% of the total ROW. The permanent footprint of the wind energy facility is shown in Figure 6.1-1 and will only occupy 150 acres or slightly more than 1.0% of the total ROW.

Table 2.1-1 Ocotillo Express Wind Facility Components; Maximum Disturbance Summary Table, Based on Construction of 244 Turbines.

Facility Component	Temporary Disturbance (Acres)	Permanent Disturbance (Acres)
Turbine Foundations & Crane Pads	710	75
Batching Plant & Laydown/Parking Area	10.0	0.0
Temporary Linear Use Area (inc. roads and collection system)	1300	0.0
Access Roads	290,000 ft	110
Collector Lines	350,000 ft	Tbd
Meteorological Towers	0.0	0.1
Substation/Switchyard &	0.0	14.0

O&M Facility		
Gravel Source(s)	15.0 (if on site)	0.0
Total	tbd	Tbd

1.3.4 Number and size of wind turbines (BLM-administered and private lands)

The site layout presented in Figure 6.1-1 shows 244 potential turbine locations. The final layout would ideally utilize the preferred 244 turbine sites, but may include some re-configuration of the potential locations in order to avoid impacts identified during the National Environmental Policy Act (NEPA) process. For additional details, please refer to section 2.10.

1.3.5 Wind turbine configuration and layout (BLM-administered and private lands)

The final site layout will be based on the results of the NEPA process and the type of wind turbine selected, with the total number of turbines generating not more than the 565 MW allowed under the interconnection application. Additionally, the turbine sites selected will be those with the most energy potential (i.e. best wind resource) that do not lead to significant environmental impacts. Appendix B provides an overview of potential environmental impacts for each proposed turbine location [to come]. The final site layout will be in accordance with industry standards, safety measures and appropriate guidance as stated in the BLM's Wind Energy PEIS/ROD.

1.3.6 Substations, transmission lines, access roads, buildings, parking areas

The proposed action would include the following permanent facility components: maximum of 244 WTGs, internal access roads, underground and overhead collector lines, meteorological towers, substation/switchyard, and an operation and maintenance (O&M) facility. During construction, a batch plant, equipment laydown yard, and parking area would also be needed. These are discussed in further detail in section 2.

1.3.7 Ancillary facilities (administrative and maintenance facilities and storage sites)

Ancillary facilities would include an O&M facility, linear temporary use area, and one or more sand and gravel sources used during construction. Gravel and concrete aggregate will come from several locations (Figure X). Each borrow area would be up to 15 acres in size and would be rehabilitated upon completion of the construction phase. Please refer to Table 2.1-1 These locations are anticipated to occur outside the project area, and will be determined before the POD is finalized. Use of sand and gravel from BLM-administered lands would require a permit and contract, which Proponent would obtain prior to utilization of such sand and gravel.

1.3.8 Temporary construction workspace, yards, and staging areas

One 10-acre temporary laydown and parking area will be required to stage and store construction equipment and materials, and for construction staff parking (Figure 6.1-1). During construction, the laydown area may be fenced and gated to control access. Portions of the laydown area may

be graveled depending on the soil conditions. After construction, all temporary disturbances associated with the laydown area will be reclaimed.

The project scope will include a network of 16 foot wide roads that will provide access to each turbine location and to the project's O&M building. During the course of construction, access roads will have an additional temporary disturbance of 20 feet to facilitate the travel of large tracked cranes. These disturbed areas will be graded and compacted for use and then decompacted and stabilized at the conclusion of the project. In addition to the crane travel paths, the underground collection system will also parallel the access road network further widening the disturbed area. A temporary linear use area (TLUA) will be designated to accommodate roads, crane travel paths, and one or more underground circuits. The TLUA will include a 30 foot buffer off the centerline of the road and collection system, plus the area in-between, with a typical total width of 200 feet (Figure 6.1-2). Grading and clearing would only occur within the 36 foot wide road and 20 foot wide collection system alignments (470 acres). The remaining portions of the TLUA would be subject to disturbance by construction equipment and temporary laydown sites. The total approximate area within the TLUA is 1300 acres. Additionally, there will be a 400 foot diameter (2.9 acre) temporary work area for each turbine site that will be used for the crane pad, equipment laydown, and other construction related needs. Within the turbine temporary work area, an area of 75 by 150 feet with a maximum slope of 1% is required to support the crane used during erection and lifting the turbine components into place. The crane pad will not be surfaced with concrete, but will be compacted to provide a stable and safe operation area for the cranes. To meet the necessary compaction standards (determined by geotechnical studies), it may be necessary to employ dynamic compaction (process in which heavy weights are systematically and repeatedly dropped on the pad), and graders and bulldozers used to achieve the required levels and grades. The total area for the maximum temporary turbine work area (244 turbines) is approximately 470 acres, which takes into account overlap with the TLUA (Figure 6.1-2). The topsoil from the crane pads would be scraped and stockpiled, and put back in place during reclamation of the crane pads to BLM standards, as further discussed in Section 2.13.

A 10 acre site will be allocated to install a batch plant, to be located either on site on BLM-administered land or adjacent to the gravel and aggregate source, for preparing and mixing the concrete used for the foundations for the WTGs, the transformers at the substation, the O&M building, and other project facilities. The batch plant will be cleared of all vegetation, graded and compacted. Prior to installation of the batch plant facilities, the area will be covered with gravel as required to support the circulation of trucks and other equipment. The batch plant complex will consist of a mixing plant, areas for sand and gravel stockpiles, an access road, and truck load out and truck turnaround areas. The batch plant itself will consist of cement storage silos, water and mixture tanks, gravel hoppers, and conveyors to deliver different materials. During construction, materials will be taken from stockpiles and dumped into hoppers with front-end loaders where they will be mixed together in the mixing plant and then loaded into ready-mix trucks in the truck loading area. The concrete will be delivered to each turbine site, substation and O&M building, and other locations as needed. Concrete ready-mix trucks will be washed out at designated locations designed for that purpose. At those locations, all effluent will be contained and refuse concrete will be reclaimed. Following completion of construction, all components of the batch plant will be demobilized and the site will be reclaimed to BLM standards as further discussed in Section 2.13.

1.3.9 Water usage, amounts, sources (during construction and operations)

Water sources will be determined prior to the start of construction, and arrangements to procure necessary water will be finalized and included in the Construction Operation and Maintenance (COM) plan. A total of about 20,000 gallons of water per turbine will be needed for batching concrete. Based on the maximum of 244 turbines, a total of 5,000,000 gallons of water will be needed for turbines. In addition, approximately 15,000,000 gallons of water are expected to be required for road maintenance and dust suppression. In total, approximately 20,000,000 gallons (61.4 acre feet) of water will be needed for the project during construction. All water would be delivered from the selected source, by truck to the Batch Plant and project area. Up to 3500 vehicle trips would be required for water delivery. Temporary water storage tanks would be installed support these water needs.

1.3.10 Erosion control and stormwater drainage

Erosion and Sediment control measures would be implemented during construction. These would include stabilization measures for disturbed areas and structural controls to divert runoff. Prior to construction, and continuing through operations, maintenance and decommissioning, a Storm Water Pollution Prevention Plan (SWPPP) will be developed and implemented.

1.3.11 Vegetation treatment, weed management, and any proposed use of herbicides

During construction, operation, maintenance and decommissioning phases, Ocotillo Express would abide by noxious weed control procedures as developed in cooperation with the BLM and Imperial County. The establishment of noxious/invasive vegetation can be limited by early detection and eradication. Ocotillo Express would work with the BLM and Imperial County to develop procedures to control the spread of noxious weeds and invasive plants. If chemical treatment is applied, it would be consistent with BLM's Record of Decision: Vegetation Treatments Using Herbicides (September 2007), as supported by the FEIS for Vegetation Treatments Using Herbicides (June 2007). Specific control measures may include:

- Cleaning vehicles that are required to go off designated roadways;
- Reseeding of temporarily disturbed areas (e.g., portions of access roads, trenches for the underground collection system, turbine work areas) with an agency-certified weed-free mixture of native grasses, forbs, and shrubs;
- Using weed-free fill;
- Annual post-construction monitoring and treatment of access roads and turbine sites for a designated period following construction;
- Storing equipment, materials, and vehicles at specified work areas or construction yards; and
- Confining personal vehicles, sanitary facilities, and staging areas to a limited number of specified weed-free locations.

1.3.12 Waste and hazardous materials management

All construction related waste will be stored within a temporary use area until it is collected for transport to a final landfill destination. Materials that can be recycled will be stored and transported separately. Ocotillo Express will coordinate with local landfills prior to commencement of construction. Hazardous materials are typically limited for a project of this

nature. However, the following materials are anticipated to be used or produced during construction and operation of the proposed action:

- Fuel (Diesel and Unleaded) for construction equipment and vehicles
- Lubricants and Mineral Oils
- Cleaners, industrial material

These substances will be contained and disposed of according to local, state, and federal regulations. In addition, Ocotillo Express would work with the BLM and other appropriate agencies to implement the following actions:

- Develop a hazardous materials management plan addressing storage, use, transportation, and disposal of each hazardous material anticipated to be used at the site. The plan shall identify all hazardous materials that would be used, stored, or transported at the site. It shall establish inspection procedures, storage requirements, storage quantity limits, inventory control, nonhazardous product substitutes, and disposition of excess materials. The plan shall also identify requirements for notices to federal and local emergency response authorities and include emergency response plans.
- Develop a waste management plan identifying the waste streams that are expected to be generated at the site and addressing hazardous waste determination procedures, waste storage locations, waste-specific management and disposal requirements, inspection procedures, and waste minimization procedures. This plan shall address all solid and liquid wastes that may be generated at the site.

1.3.13 Fire protection

The potential exists for on-site, man-caused fires to occur during the construction period due to exhaust fumes, storage of flammable liquids, fueling practices, and smoking. All workers will be trained to prevent fire emergencies and to deal with them quickly and effectively if they do occur. Crews would carry fire prevention equipment and consult with the El Centro District during high fire danger. A comprehensive Fire Management Plan will be prepared and included in the COM Plan. Appropriate fire protection methods will be utilized during operations, maintenance and decommission of the Project, as well as during construction.

1.3.14 Site security and fencing proposed (during construction and operations)

The security fence surrounding the substation/switchyard and the O&M building will be the only permanent fencing associated with the proposed action. The type and height of this security fence, and the need for temporary security fencing around temporary construction areas, will be determined based on an assessment of risk prior to commencement of construction. The gate in the substation and O&M building fence will remain locked whenever these facilities are unattended. During the construction phase, access roads may have gates or signs installed, as necessary, to control public access to the site for safety reasons. However, access will be preserved for private landowners and BLM-permitted uses. Adaptive management based on survey results will be utilized, and protective fencing may be utilized as a means to mitigate for added access to the Project.

1.3.15 Electrical components, new equipment and existing system upgrades

The proposed facility will connect to the new SDG&E Sunrise Powerlink 500kV transmission line scheduled for completion in June 2012 across the middle of the project site. The Point of Interconnection will be adjacent to the project substation. A new substation, electrical collection system, padmount transformer vaults (if used), and above ground junction boxes will be installed. Furthermore, a 500 kV above ground stub line will connect the new substation to the new SDG&E Sunrise Powerlink 500 kV line. Section 2.11 discusses these electrical components in further detail.

1.3.16 Interconnection to electrical grid

In addition to the turbines, the project will include the construction of twenty-eight 34.5 kV electrical collection system circuits connecting into a new high voltage (HV) main transformer located at the substation. The new substation will be located within the project area, near the new SDG&E 500kV line. The collection lines connecting one turbine to the next and to the project substation will be buried underground generally adjacent to the interior turbine access roads as noted above. Above ground components of the collection system will include pad mounted transformers alongside each turbine, junction boxes throughout the project site, the main substation/switchyard (which will be fenced), and the overhead 500 kV stub line connecting the switchyard to the new 500 kV transmission line.

1.3.17 Spill prevention and containment for construction and operation of facility

Prior to any hazardous materials being onsite, Ocotillo Express will prepare and implement a Hazardous Materials Business Plan/Spill Prevention Control and Countermeasures Plan (Plan) to avoid spills and minimize impacts in the event of a spill. The plan will ensure that adequate containment would be provided to control accidental spills, that adequate spill response equipment and absorbents would be readily available, and that personnel would be properly trained in how to control and clean up any spills.

1.3.18 Health and safety program

All personnel assigned to this project will work under strict approved safety guidelines that will be established prior to the start of construction and remain in place during construction, operations, maintenance and decommissioning.

Safety is of the utmost importance on the construction site. Numerous hazards exist, both to the workers, and to those traveling through or near the site on public access roads. Therefore, warning signs will be posted along the access roads indicating the dates of construction activities, and recommending that the public take alternate routes during that time period. In addition, areas where supplies and equipment will be stored or areas deemed hazardous will also be properly secured (e.g. fenced) to prevent theft, tampering, or injury. Areas with construction and work in progress will be secured so that no one without proper safety training will be able to access them. WTG access doors will be locked whenever the turbine sites are unattended.

Workers will be trained in health and safety issues as they pertain to the work site as to prevent safety issues from arising and to address those that do. In case of emergency, there will be an

emergency response plan in place, and workers will be trained in proper implementation of its protocols with the general construction contractor taking primary responsibility.

1.4 OTHER FEDERAL, STATE AND LOCAL AGENCY PERMIT REQUIREMENTS

1.4.1 Required permits (entire project area on both BLM-administered and private lands)

FEDERAL AGENCY	PROCESS/PERMIT	JURISDICTION
Bureau of Land Management	Draft PA/draft EIS/EIR Proposed PA/final EIS/EIR Record of Decision (ROD) Land Use Plan Amendment	National Environmental Policy Act compliance required for Federal actions. Likely joint EIR/EIS with Imperial County Part of EIR process; Federal Land Policy and Management Act of 1976; BLM Planning Regulations (43 CFR Part 1600); BLM Land Use Planning Handbook (H-1601-1_
	Native American Consultation	Indian tribes must be consulted to identify sacred sites and other palces of traditional religious and cultural importance. Consultation will be done by BLM
	Right of Way (ROW) Grant National Historic Preservation Act, Section 106 Compliance	Authorized under Title V of FLPMA (43 U.S.C. 1761-1771) Identification and evaluation of cultural resources within Area of Potential Effects in accordance with BLM requirements. BLM will consult with State Historic Preservation Officer and other parties consistent with BLM/SHPO Protocol.
BLM State Office	Archeological Resources Protection Act, Cultural Resource Use Permit	A BLM Cultural Use Permit must be obtained for the purposes of testing to determine the NRHP significance of identified sites and to conduct data recovery on sites adversely affected by project construction and operation.
BLM, El Centro Field Office	Fieldwork Authorization	A BLM Fieldwork Authorization must be obtained prior to conducting Class II or Class III cultural resource inventories.
US Fish & Wildlife Service	Biological Opinion/Endangered Species Act/Section 7 Consultation	Based on listed or proposed species, designated or proposed critical habitat on-site or affected by project
U. S. Army Corps of Engineers	Nationwide Permit 12/Clean Water Act Sect. 404	Depending on water discharges
Federal Aviation Agency	Determination of No Hazard	Confirming no hazard to military or other air operations in area – on line filing: https://oeaaa.faa.gov/oeaaa/external/portal.jsp
U.S. DoD	Consultation	Operations, military radar impacts
Homeland Security	Consultation	Affect on border surveillance aircraft
NOAA National Weather Service/Radar Operations	Consultation	Affect on weather radar. [Nearest Yuma, 140 km ESE , San Diego 140 km WNW]
STATE AGENCY	PROCESS/PERMIT	JURSIDICTION
California Energy Commission	Renewables Portfolio Standards (RPS) Certification	
Colorado River	National Point Discharge	

RWQCB Region 7	Elimination System (NPDES) Permit Stormwater Pollution Prevention Plan (SWPPP) Water Quality Certification/Clean Water Act Sect 401	
Caltrans	ROW Encroachment Permit Transportation Permit	Access across State ROW Weight, size, route
Native American Heritage Commission	Consultation on Sacred Areas to comply with State requirements	The NAHC must be contacted to determine the presence of known Native American sacred areas in the project vicinity. Consultation is ongoing and will be completed by the applicant prior to the onset of NEPA analysis.

LOCAL AGENCY	PROCESS/PERMIT	JURISDICTION
Imperial County	Environmental Impact Report (EIR) Determination/Findings Mitigation Monitoring and Reporting Plan Conditional Use Permit/Variance ROW Encroachment Permit Water Well Permit Septic System Permit Building, Grading Permits	California Environmental Quality Act compliance required for State and Local actions. Likely joint EIR/EIS with BLM Turbines and Met Towers Access across road ROW If on-site water supply If on-site disposal Site construction

1.4.2 Status of permits

FEDERAL AGENCY	PROCESS/PERMIT	STATUS
Bureau of Land Management	Environmental Impact Statement (EIS) Record of Decision (ROD) Management Plan Amendment Native American Consultation Right of Way (ROW) Grant	Plan of Development and Type III R-O-W grant application being developed. Likely joint EIR/EIS with Imperial County Pending (part of EIR process) Pending (to be conducted by BLM) Pending (Authorized under Title V of FLPMA (43 U.S.C. 1761-1771))
US Fish & Wildlife Service	Biological Opinion/Endangered Species Act/Section 7 Consultation	To come in due course - Based on listed species and habitat on-site or affected by project
U. S. Army Corps of Engineers	Nationwide Permit 12/Clean Water Act Sect. 404	To come in due course - Depending on water discharges
Federal Aviation Agency	Determination of No Hazard	DNH's have been issued by FAA

U.S. DoD	Consultation	OE consultant has been verbally advised that Navy has no objection
Homeland Security	Consultation	Pending FAA process
NOAA National Weather Service/Radar Operations	Consultation	Pending FAA process
STATE		
California Commission	Energy Renewables Portfolio Standards (RPS) Certification	Application will be filed in due course
Colorado RWQCB Region 7	River National Point Discharge Elimination System (NPDES) Permit Stormwater Pollution Prevention Plan (SWPPP) Water Quality Certification/Clean Water Act Sect 401	
Caltrans	ROW Encroachment Permit Transportation Permit	Will be obtained in due course Will be obtained in due course
California State Fish And Game (CDFG)	Consultation	California Endangered Species Act (CESA) of 1984, Fish and Game Code §§ 2050-2098 Fish and Game Code §§1600-1607, Streambed Alteration Agreement (SAA) Fish and Game Code Fully Protected Species including: § 3511: birds § 4700: mammals § 5050: reptiles and amphibians § 5515: fishes Fish and Game Code § 1900 et seq. Native Plant Protection Act (NPPA) of 1977 Fish and Game Code §§ 3503, 3503.5, and 3513. Title 14 California Code of Regulations §§ 670.2 and 670.5
State Preservation Officer	Historic Section106 Consultation/ National & State Historic Preservation Acts	Pending completion in due course
Native American Heritage Commission	Consultation	Letters/telephone calls to NAHC-identified tribes or bands. Perhaps satisfied by BLM's consultations with Tribes
California State Fish And Game (CDFG)	Consultation	Letters/meetings to ensure compliance with state code.
LOCAL		
Imperial County	Environmental Impact Report (EIR) Determination /Findings Mitigation Monitoring and Reporting Plan Conditional Use Permit/Variance ROW Encroachment Permit Water Well Permit Septic System Permit Building, Grading Permits	California Environmental Quality Act compliance required for State and Local actions. Likely joint EIR/EIS with BLM Applications pending for two met towers To be obtained in due course Need to be determined in due course Need to be determined in due course Will be obtained in due course

1.5 FINANCIAL AND TECHNICAL CAPABILITY OF APPLICANT

Pattern Energy is one the most experienced and best-capitalized renewable energy and transmission development companies in the U.S. This group has successfully developed, financed and placed into operation 2,000 MW of wind power across 11 states, representing over \$3 billion in investment. In addition to having a full range of development capabilities, the Company provides construction management during the building phase in addition to operations management, turbine and BOP service and maintenance, financial management and reporting functions. The table below summarizes the track record of projects placed into service by the Pattern team while at Babcock & Brown, and excludes certain projects which were acquired by our team as late-stage developments.

Pattern recently financed and commenced construction on the 101MW Hatchet Ridge Wind Farm in Shasta County, California, with a cost of approximately \$200 million. The Ocotillo Express Wind Project will likely cost approximately \$1 billion. As noted below, the Pattern team has significant experience and a successful track record in completing projects of similar size and scale.

No	Description	Locn	Mfr	Units	MW	Total MW	Compl Date
1	Sweetwater 1	TX	GE	25	37.5	37.5	2003
2	Caprock	NM	MHI	80	80.0	171.5	2004
3	Sweetwater 2	TX	GE	61	91.5		
4	Bear Creek	PA	Gamesa	12	24.0	216.5	2005
5	Jersey Atlantic	NJ	GE	5	7.5		
6	Kumeyaay	CA	Gamesa	25	50.0		
7	Sweetwater 3	TX	GE	90	135.0		
8	Aragonne Mesa	NM	MHI	90	90.0	208.0	2006
9	GSG	IL	Gamesa	40	80.0		
10	Buena Vista	CA	MHI	38	38.0		
11	Cedar Creek	CO	MHI	221	300.5	701.8	2007
			GE	53			
12	Sweetwater 4a	TX	MHI	135	135.0		
13	Sweetwater 4b	TX	Siemens	46	105.8		

14	Sweetwater 5	TX	Siemens	35	80.5	568.9	2008
15	Allegheny 1*	PA	Gamesa	40	80.0		
16	Gulf Wind	TX	MHI	118	283.2		
17	South Trent	TX	Siemens	44	101.2		
18	Butler Ridge	WI	GE	36	54.0		
19	Wessington	SD	GE	34	51.0		
20	Majestic	TX	GE	53	79.5		
			Total	1281		1904.2	

*Construction Management Agreement

2.0 CONSTRUCTION OF FACILITIES

2.1 WIND TURBINE DESIGN, LAYOUT, INSTALLATION, AND CONSTRUCTION PROCESSES INCLUDING TIMETABLE AND SEQUENCE OF CONSTRUCTION

Turbines will be placed in a series of southeast-northwest oriented rows (or arrays) to best utilize prevailing wind flows across the project site. Turbines within each array will be connected by gravel or crushed caliche surfaced access roads and underground 34.5 kV collection circuits. To minimize downwind array losses, spacing between turbine rows will be at least 10x rotor diameters (RD) (950 meters) and 2.0 to 3.5 RD (186 to 325.5 meters) for in-row spacing. Turbine towers and foundations will be designed to survive a gust of wind more than 133.1 miles per hour (mph) with the blades pitched in their most vulnerable position. Turbine foundations will be approximately eight feet deep with a projection of approximately six inches above final grade and utilize approximately 350 cubic yards of concrete. In addition, each tapered tubular steel tower will have a maximum 15 foot (4.5 meter) diameter base.

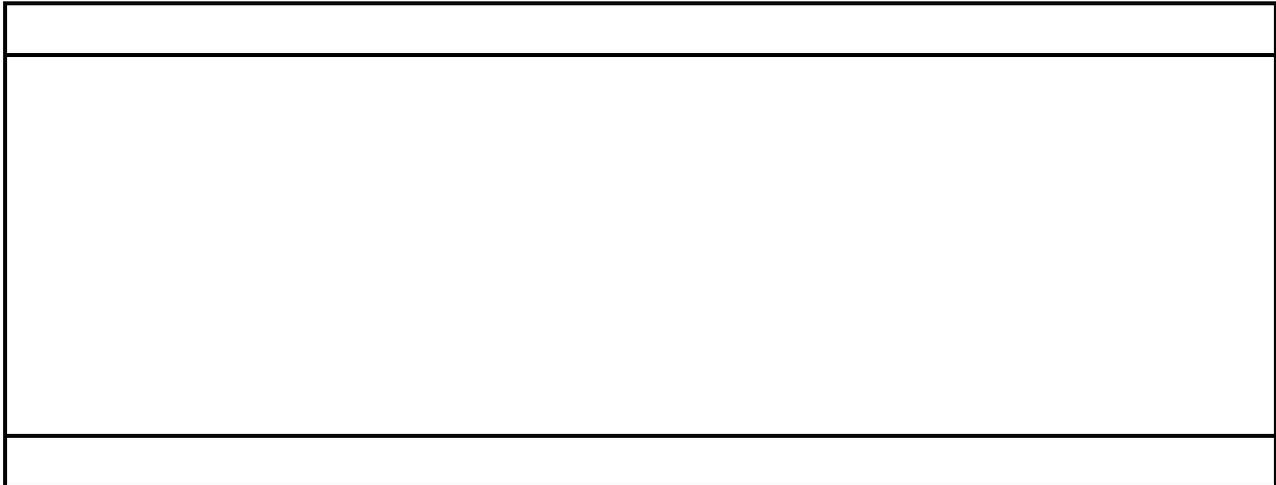
Construction of each of the two phases of the wind generation facility is anticipated to be completed over a period of 9 to 12 months. During construction, up to 300 employees would be

required. Power supply for construction will be through the use of diesel generators and/or purchase of power from the local utility. A summary of facility components and associated ground disturbance from those components is provided in table 2.1-1. This section is followed by detailed descriptions of each project component.

Five to ten WTGs can be erected weekly. Construction of Phase I is anticipated to commence in the early part of 2012, with the final mechanical completion, commissioning, and electrical testing of Phase I planned to be completed before year-end 2012. Phase II is anticipated to follow in 2013.

Turbine crane pads would be constructed for each wind turbine. Each turbine would require a 400 foot diameter area (2.9 acre) temporary construction area and a permanent 75 foot diameter area (0.3 acre) for the tower within the temporary construction area. Clearing and grading would be accomplished using bulldozers, backhoes and road graders.

The temporary work area for each site would be used for the crane pad, equipment laydown, and other construction related needs. Within the area of temporary disturbance, an area of 75 by 150 feet with a maximum slope of 1% is required to support the crane used in lifting the turbine components into place. The crane pad would not be surfaced with concrete, but would be compacted to provide a stable base for safe operation of cranes. To meet the necessary compaction standards as determined by geotechnical studies, it may be necessary to employ dynamic compaction; graders and bulldozers will be used to achieve the required levels and grades.



Within the temporary construction area, permanent foundations would be excavated, compacted, and constructed of structural concrete and steel reinforcement as directed by the tower supplier and geotechnical engineer's recommendations. The wind turbines freestanding tubular towers would be connected by anchor bolts to the concrete foundation at the pedestal. The tapered tubular, steel towers would have a maximum 15 foot (4.5 meter) diameter base. The area immediately surrounding the concrete pedestal will be covered with gravel to provide a stable surface for future maintenance vehicles accessing the turbine. After construction, all temporary disturbances associated with the turbine installation would be reclaimed to BLM specifications.

2.2 GEOTECHNICAL STUDIES THAT MAY BE PLANNED

A preliminary geotechnical analysis of the project area will be conducted to describe soil and geology suitability. Additional site specific geotechnical studies may be required for use in the final design of the turbine foundations.

2.3 PHASED PROJECTS, DESCRIBE APPROACH TO CONSTRUCTION AND OPERATIONS

Construction of a wind project is a relatively straightforward process with the actual ground disturbance of the turbines and plant infrastructure (civil and electrical) typically taking up less than 3% of the total project area (AWEA 2008). Construction begins with installation of civil improvements, including site laydown areas for turbine and tower deliveries, construction of the access/maintenance roads, installation of the underground runs for electrical cabling, construction of turbine/transformer foundations, and the preparation of crane pads for erection of the turbines. The second construction phase, where some of the works will proceed in parallel with the civil works, includes installation of the electrical hardware (including cabling), construction of the main substation, placement of the pad mount transformers, construction of the maintenance facility, and erection of the turbines. The third and final construction phase includes mechanical completion of all wind turbine generators, substation and other facilities

followed by commissioning and testing of each turbine, the substation, utility interconnection, testing of the electrical system, and restoration of temporary construction areas, laydown areas and turbine crane pads.

2.4 ACCESS AND TRANSPORTATION SYSTEM, COMPONENT DELIVERY, WORKER ACCESS

New internal long-term access roads will be constructed to provide construction vehicle access to the turbine locations during the construction phase, and service vehicle access during the operations phase. During the construction phase of the project, new road width will be 36 feet. This will be reduced to 16 feet during the operations phase and the remaining 20 foot wide area of short term disturbance will be reclaimed to BLM specifications. These long term access roads will include a turn-around at the end of each turbine array and will enable construction and post-construction operational personnel to safely access the turbine locations throughout the project area.

There would be up a total of 55 miles of such new internal project access roads. There would be up to 110 acres total long term disturbance from new road construction. The TLUA to construct these access roads and the electric collection system will be designated to include the temporary widths for the roads and collections system, plus the area in-between. The TLUA will average 200 feet wide to accommodate crane movement and material delivery and would be up to 1300 acres of short term temporary disturbance. The final long term roads will be compacted and surfaced with gravel aggregate or crushed caliche from BLM-permitted sources.

Internal access road layout will incorporate existing BLM standards regarding road design, construction, and maintenance such as those described in the 2005 Wind Energy PEIS and ROD (BLM 2005), BLM 9113 Manual (BLM and USFS 1985) and the Surface Operating Standards for Oil and Gas Exploration and Development (Fourth Edition 2006) (i.e., the Gold Book), as well as BLM Visual Resource Management Manuals.

2.5 CONSTRUCTION WORK FORCE NUMBERS, VEHICLES, EQUIPMENT, TIMEFRAMES

Up to 300 workers will be employed during each 9-12 month construction period, and the majority of these workers would be onsite daily during construction. The majority of construction personnel will stay in hotels and rental properties in El Centro, California. During construction, potable water and sanitary facilities will be provided to support the construction crews. Temporary port-a-potty facilities will be available at the laydown area and O&M Building. Bottled water from a commercial provider will be utilized and will be delivered to the site. A plan for employee transportation to and from the project area will be developed and included as part of the COM plan. It is anticipated that employee carpooling will be required to minimize vehicle traffic to and from the site, and minimize the area necessary for construction phase parking. No more than 100 employee vehicles are anticipated on the site at any one time.

MAJOR FACILITIES (INCLUDING VEHICLES AND NUMBER OF TRIPS)

- Wind turbine generators - Wind turbine technology is continually improving and the cost and availability of specific types of turbines varies from year to year. A representative range of turbine types that are most likely to be used for the project are being considered.
- Access Roads – The Ocotillo Express Wind project area currently has existing access via Interstate 8 to the south and/or Highway 8 (Imperial Highway), which crosses near the center of the project area. There would be up to 55 miles of new, permanent interior site access and maintenance roads constructed.
- Electrical Collection and Connection – The project would include the construction of up to twenty-eight 34.5 kV circuits connecting into a 500kV transformer and substation located adjacent to the new SDG&E 500 kV line. The interior collection lines would be buried underground and adjacent to the interior maintenance roads.
- Construction equipment would consist of standard construction equipment such as graders, bulldozers, backhoes, cranes, delivery trucks, semi trucks, and welding rigs. Construction would require an average of ten truck trips on area highways for delivery of each turbine and associated components. The anticipated travel route for delivery of construction materials will be determined and included as part of the COM plan.

ANCILLARY FACILITIES

- Operations and Maintenance Facility (4 acres) Permanent
- Substation and Switchyard (10 acres) Permanent
- Parking and Storage (4 acres) - Temporary
- Batching Plant (10-acres) - Temporary
- Sand and Gravel Source (15-acres)
- Permanent Meteorological Towers – Ocotillo Wind proposes to install up to 4 permanent met towers within the project area (i.e. towers that would be installed at time of construction and stay in place until decommissioning of the project). These towers would be 80 meters in height, would be self-supporting monopole structures, and would be located at sites to be determined in due course.
- The same types of vehicles used during the construction of major facilities would also be used in construction of ancillary facilities.

TIMEFRAMES

- Commence civil works (roads, underground electrical, foundations) – 1st quarter 2012
- Commence balance of plant electrical/civil works – 1st quarter 2012
- Turbine deliveries commence – 2nd quarter 2012
- Turbine commissioning, testing, and commercial operation – 4th quarter 2012

2.6 SITE PREPARATION, SURVEYING, AND STAKING

The centerline and exterior limits of the ROW will be surveyed and clearly marked by stakes and flagging at 200ft intervals, or more closely if necessary to maintain a sight line. All construction activities will be confined to these areas to prevent unnecessarily impacting sensitive areas. Stakes and flagging that are disturbed during construction will be repaired or replaced before construction continues. Stakes and flagging will be removed when construction and restoration are completed.

2.7 SITE PREPARATION, VEGETATION REMOVAL, AND TREATMENT

Vegetation would be removed from permanent facility sites, such as the O&M building and substation and switchyard, by blading. Temporary disturbance sites would be reclaimed to BLM specifications. To reestablish healthy vegetation communities, a BLM approved seed mix will be used and additional restoration measures will be developed as necessary. Further restoration plans are described in Section 2.13.

2.8 SITE CLEARING, GRADING, AND EXCAVATION

Clearing and grading would be necessary for new roads, turbine pads, O&M facility, substation, batching plant, and the temporary laydown area. Clearing and grading will be accomplished using bulldozers, road graders or other standard earth-moving equipment. For the most part, the total area to be cleared of vegetation would be less than temporary work areas requested to minimize erosion and avoid other potential environmental impacts.

2.9 GRAVEL, AGGREGATE, CONCRETE NEEDS AND SOURCES

Construction of access roads, facility foundations, and temporary laydown areas associated with the proposed action will require access to sand and gravel. Appropriate sources of sand and gravel in proximity to the project area will be identified by a construction contractor and permitted through the BLM. Any sand and gravel source will require biological and cultural resource clearance and the appropriate level of BLM NEPA analysis would have to be completed prior to utilization.

Gravel and concrete aggregate would come from up to three, 15-acre locations within or near the project area (Figure Z). The materials will be trucked to the batching plant and placed into stockpiles. Cement will be delivered on trucks from a source to be identified and stored in two to five silos on site. Approximately 510,000 pounds of sand, 800,000 pounds of gravel and 240,000 pounds of cement will be needed for each turbine site. Based on a maximum of 244 turbines installed, 124,500,000 pounds of sand, 195,200,000 pounds of gravel and 58,560,000 pounds of cement will be utilized. Additional sand, gravel and cement will be required for construction of the substation, switchyard and O&M facilities.

2.10 WIND TURBINE ASSEMBLY AND CONSTRUCTION

Wind turbines consist of three main components: the turbine tower, the nacelle, and the rotor consisting of the hub and the blades (Figure 2.10-1). The nacelle is the portion of the wind turbine mounted at the top of the tower, which houses the wind turbine itself and the gearbox. Turbine hub heights and rotor diameters (RD) for the potential turbines may have slight variations, but for purposes of analysis will not exceed the 2.3 MW turbine specifications.

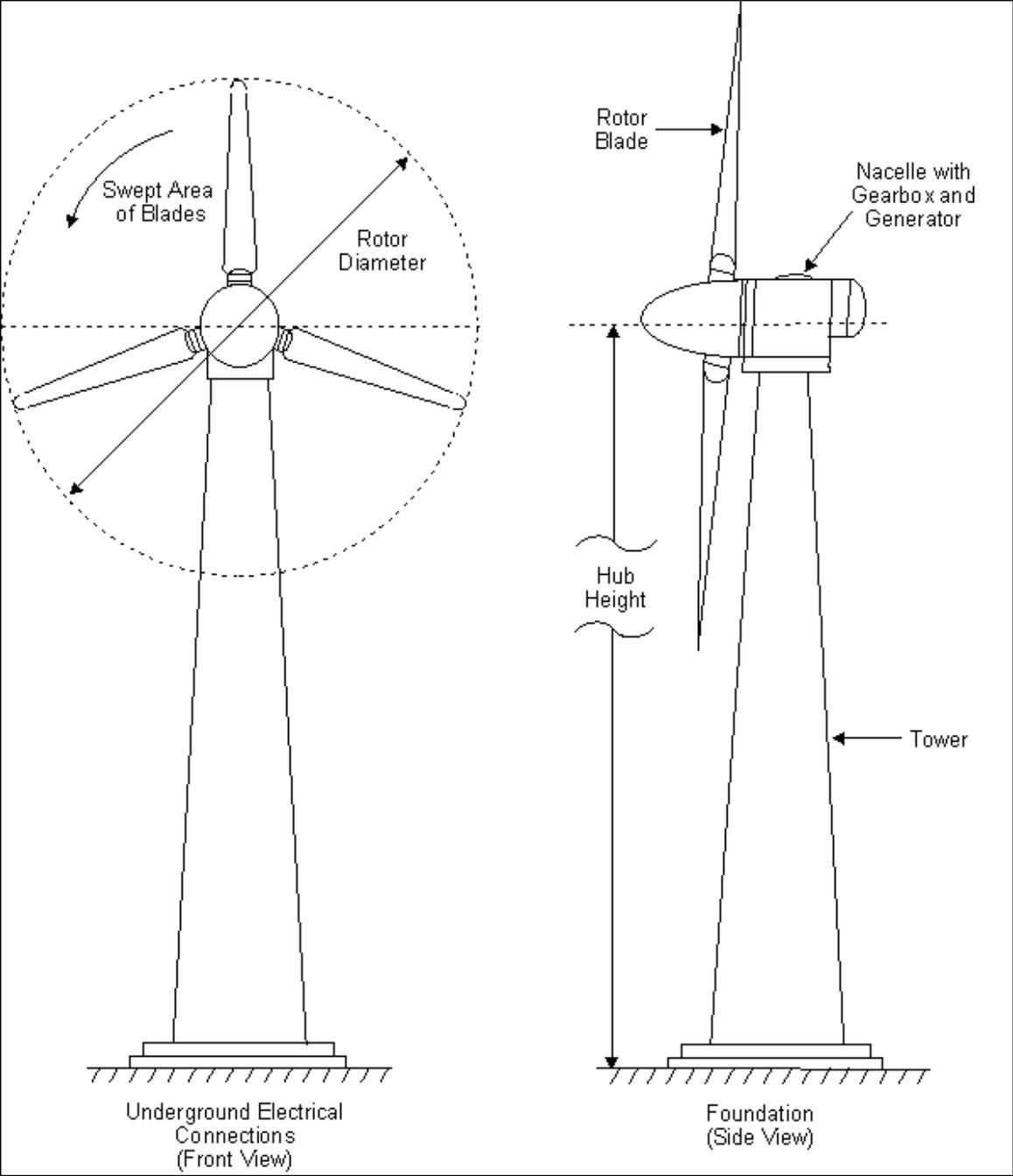


Figure 2.10-1 Turbine Technology Diagram.

Table 2.10-1 Wind Turbine Specifications

Turbine	Hub Height	Rotor Diameter	Total Height	Rated Capacity Wind Speed	Rotor Speed (RPM)	Tower Base Diameter
2.3 MW Siemens	80 m	93 m	126.5 m	12-13mps	6-16	14.76 (4.5m)
1.8 MW V90 Vestas	80m	90m	125m	12 mps	9-14.9	< 15 ft

The towers will be a tapered tubular steel structure manufactured in three or four sections depending on the tower height, and approximately 15 feet (4.5 meters) in diameter at the base. The towers will be painted white per FAA requirements. A service platform at the top of each section will allow for access to the tower’s connecting bolts for routine inspection. A ladder inside the structure will ascend to the nacelle to provide access for turbine maintenance. The tower will be equipped with interior lighting and a safety glide cable alongside the ladder. The towers will be fabricated and erected in sections.

The nacelle houses the main mechanical components of the wind turbine generator, the drive train, gearbox, and generator. The nacelle will be equipped with an anemometer and a wind vane that signals wind speed and direction information to an electronic controller. A mechanism will use electric motors to rotate (yaw) the nacelle and rotor to keep the turbine pointed into the wind to maximize energy capture. An enclosed steel-reinforced fiberglass shell houses the nacelle to protect internal machinery from the elements.

Modern wind turbines have three-bladed rotors. The diameter of the circle swept by the blades will be no more than 305 feet (93 meters). If the maximum number of 244 turbines were constructed, a total rotor swept area of 1,660,000 m² (415 acres) would be utilized. Generally, larger wind turbine generators have slower rotating blades, but the specific RPM values depend on aerodynamic design and vary across machines. Based on the turbines considered, the blades will turn at no more than 16 rotations per minute (RPM).

Each turbine will be equipped with a computer control system to monitor variables consisting of wind speed and direction, air and machine temperatures, electrical voltages, currents, vibrations, blade pitch, and yaw (side to side) angles. In addition to monitoring, a primary function of the control system will be nacelle and power operations. Nacelle functions include yawing the nacelle into the wind, pitching the blades, and applying the brakes if necessary.

Power operations controlled at the bus cabinet inside the base of the tower include operation of the main breakers to engage the generator with the grid as well as control of ancillary breakers and systems. The control system will always run to ensure that the machines operate efficiently and safely.

Each turbine will be connected via fiber optic cables to a central Supervisory Control and Data Acquisition (SCADA) system that will be owned by the Proponent. The SCADA system allows for controlling and monitoring individual turbines and the wind plant as a whole from a central host computer or a remote personal computer. In the event of problems, the SCADA system can also send signals to a fax, pager, or cell phone to alert operations staff. The SCADA system will

also be connected to CAISO and SDG&E, through a third party telecommunications provider, whose system will need to be extended to the control room of the Project's substation.

Turbines will be equipped with a braking system to stop the rotor. The braking system is designed to bring the rotor to a halt under all foreseeable conditions. The turbines also will be equipped with a parking brake used to keep the rotor stationary while maintenance or inspection is performed.

2.11 ELECTRICAL CONSTRUCTION ACTIVITIES

The new SDG&E 500 kV transmission line that will cross through the central part of the site will be the primary power transmission line from the facility. A 34.5 kV underground electrical collector system will be necessary to connect the turbines to the project substation. Approximately 65 miles of collector cable circuits and fiber optic cables will be placed underground in trenches either adjacent to access roads or, in some cases, running cross country within the ROW. Installation of these cables is further discussed in Section 3.1.1 below.

Vaults and splice boxes will be placed aboveground at locations as needed. There will be several above ground junction boxes that will be used in various locations. Junction boxes are approximately four feet by six feet and four feet in height.

2.12 AVIATION LIGHTING (WIND TURBINES, TRANSMISSION)

Turbines will be lit as required by the Federal Aviation Administration (FAA). Based on the FAA Obstruction Marking and Lighting Advisory Circular (AC70/7460-1K), no structural markings or alternative colors are proposed for the wind turbines. For nighttime visibility, two flashing red beacons will be mounted on the nacelle. Lights are not recommended to be placed on all turbines, so it is likely that only those turbines at each end of the array will have lights to mark the extent of the facility.

2.13 SITE STABILIZATION, PROTECTION, AND RECLAMATION PRACTICES

Upon completion of the construction aspect of the project, all soils disturbed by short term access roads and facilities will be reclaimed by stabilization and rehabilitation. Reseeding and fertilization will take place according to specifications provided by BLM and access to rights of way will be limited to the public with the use of gates and signs where necessary to allow the revegetation of replanted sites. After construction activities are complete, Ocotillo Wind will restore temporary disturbance areas. In areas with potential seed bearing soils, the top 3-6 inches of topsoil stripped and stockpiled during construction activities will be reapplied to temporary surface disturbances during restoration. To reestablish healthy vegetation communities, a BLM approved seed mix will be used. Additional restoration measures will be developed as necessary.

The Ocotillo Express Wind project will have a lifetime after which cost-effective operation will no longer be feasible. The anticipated life of the Ocotillo Express Wind Generation Facility is 30 years, and it is likely that after that time the site would be decommissioned and existing facilities and equipment would be removed. It is also possible that the facility owners may wish to work

with the BLM to replace the old facilities with a new project on the same site. However, that option is not considered in this Plan of Development (POD).

Prior to the termination of the ROW authorization, a decommissioning plan will be developed consistent with the BLM Wind Energy PEIS/ROD, and approved by the BLM. The BMPs and stipulations developed for construction activities will be applied to similar activities during decommissioning. All roads and tower pads would be reclaimed in accordance with the BLM approved decommissioning plan.

3.0 RELATED FACILITIES AND SYSTEMS

3.1 O&M FACILITY

A 12-acre O&M facility will be located in the central portion of the project area. The O&M building and yard will be constructed to store critical spare parts and provide a building for maintenance services. A concrete foundation will be required for the maintenance facility and the area immediately surrounding the building will be covered with gravel for vehicle parking. Any area within the fence not covered by concrete will be covered with gravel to minimize erosion and surface runoff. A permanent 7-foot high security fence surrounding the O&M facility and directional lighting will be installed. This chain link fence will have an open weave to enable viewing through to background landscape. Colors for the building and fence will be selected in consultation with BLM.

3.2 TRANSMISSION SYSTEM INTERCONNECT

3.2.1 Existing and proposed transmission system

The project would include the construction of twenty-eight 34.5 kV circuits connecting into a 500kV transformer and substation located at the central part of the project area adjacent to the new SDG&E Sunrise Powerlink 500 kV line. The interior collection lines connecting one turbine to the next and to the project substation would be buried underground and generally adjacent to the interior maintenance roads. Above ground components to the electric system would include pad mounted transformers alongside each turbine, the main substation/switchyard (which would be fenced) and the overhead 500 kV stub line connecting the switchyard to the new 500 kV transmission line. The stub line is anticipated to be only a few hundred yards in length, at most.

3.2.2 500 kV Substation

A 200 foot by 480 foot substation will be located adjacent to the O&M building within the 12-acre facility area. The substation would be a 5 breaker, breaker and a half substation with three 500kV line terminals, one of which may also have a 500kV, 35 MVAR line reactor. Each line terminal will consist of one dedicated circuit breaker, one shared circuit breaker, along with any associated relays, switches, and lightning arrestors. A 500 kV above ground stub line will connect the substation to the new SDG&E 500 kV line. If possible, all towers, insulators and conductor will be non-reflective. Because the substation will be adjacent to the new line, the stub line will not require any additional disturbance. Construction of this substation will last approximately four to six months and will involve two primary stages: Site preparation and structural and electrical construction.

Construction of the substation will begin with clearing vegetation and organic material from the site. The site will then be graded to subgrade elevation. Structural footings and underground utilities, along with electrical conduit and grounding grid will be installed, followed by aboveground structures and equipment. A chain link fence will be constructed around the new substation for security and to restrict unauthorized persons and wildlife from entering the substation. The site will be finish graded, gravel surfaced, and reclamation will be completed to minimize the visual appearance of the substation.

Control buildings will be added to the substation and will more than likely be constructed of prefabricated steel. Major equipment to be installed inside the control buildings consist of relay and control panels, alternating current and direct current load centers to provide power to equipment inside and outside the control building, a battery bank to provide a back-up power supply, a heating/cooling system to prevent equipment failure, and communications equipment for remote control and monitoring of essential equipment.

Steel structures will be erected on concrete footings to support switches, electrical buswork, instrument transformers, lightning arrestors, and other equipment, as well as termination structures for incoming and outgoing transmission lines. Structures will be fabricated from tubular steel and galvanized or painted a BLM-approved color to blend in with predominant vegetation and soil types. Structures will be grounded by thermally welding one or more ground wires to each structure.

Major equipment will be set by crane and either bolted or welded to the foundations to resist seismic forces. Oil spill containment basins will be installed around major oil-filled transformers and other equipment. Smaller equipment, including air switches, current and voltage instrument transformers, insulators, electrical buswork, and conductors will be mounted on the steel structures.

Control cables will be pulled from panels in the control building, through the underground conduits and concrete trench system, to the appropriate equipment. After the cables are connected, the controls will be set to the proper settings, and all equipment will be tested before the transmission line is energized.

3.2.3 Status of Power Purchase Agreements

Ocotillo Wind posted the required \$500,000 deposit to be included in the first Phase I Interconnection Cluster Study, and applied for 565 MW of transmission capacity on the new Sunrise Powerlink, scheduled for completion in June 2012. Ocotillo Wind submitted a proposal into SDG&E's 2009 Request for Offers for Eligible Renewable Resources, and has been notified by SDG&E that the Project has been shortlisted. Initial meetings with SDG&E have already occurred, and the Power Purchase Agreement is expected to be finalized in early 2010. Based on our knowledge of the quality of the wind resource at the Ocotillo Wind Project Site, compared to potentially competing sites, and based on our knowledge of the market demand for cost-effective renewable energy in California, we are confident in our ability to secure a power purchase agreement or agreements for the full output of the project.

3.2.4 Status of Interconnect Agreement

Ocotillo Wind posted the required \$500,000 deposit to be included in the first Phase I Interconnection Cluster Study, and applied for 549.5 MW of transmission capacity on the new Sunrise Powerlink, scheduled for completion in June 2012. Under the new CAISO Large Generator Interconnection Procedures, the Phase I Interconnection Cluster Study will be complete in no more than 270 days after the close of the Open Window at the end of July, 2009, and the Phase II Study is expected to be completed, and an Interconnection Agreement proffered, in no more than one year after completion of the Phase I Interconnection Cluster Study. Thus, we anticipate executing an Interconnect Agreement for the Ocotillo Wind Project no later than the end of 2011.

3.2.5 General design and construction standards

Construction of the facilities will follow guidelines set forth by Best Management Practices (BMPs). For example, construction vehicle movement within the project boundary will be restricted to pre-designated access, contractor-required access, or public roads. In construction areas where ground disturbance is unavoidable, surface restoration will consist of returning disturbed areas back to their natural contour (if feasible), and reseeding with a BLM approved seed mix. A full list of BMPs will be included with the COM Plan.

3.3 METEOROLOGICAL TOWERS

Ocotillo Wind proposes to install up to four permanent met towers within the project area (Figure 6.1-1). The permanent met towers would be 80 meter, self-supporting monopole structures. The locations of these towers would be determined in due course. Ocotillo Wind also proposes to install up to 5 temporary Met towers, which would be removed prior to construction (Figure 6.1-1). These temporary towers would be 60 meter, guyed monopole structures.

3.4 OTHER RELATED SYSTEMS

3.4.1 Communications system requirements (microwave, fiber optics, hard wire, wireless) during construction and operation

Fiber optic cable for communications will also be necessary. Approximately 65 miles of fiber optic cables and collector cable circuits (Section 2.11) will be placed underground in trenches adjacent to access roads. Within the 200 foot wide temporary use area, trenches will be excavated up to 20 feet wide (to accommodate multiple circuits) and 3-5 feet deep. The cables will then be placed in the trench. Following placement of the cables, the trench will be backfilled and any topsoil set aside during excavation will be placed on top and the area restored. It is anticipated that a third party telecommunications provider will need to extend cable to the control room in the project substation to interconnect this internal communications system with CAISO and SDG&E.

4.0 OPERATIONS AND MAINTENANCE

4.1 OPERATION AND FACILITY MAINTENANCE NEEDS

Once the project has been constructed, the Ocotillo Express Wind Generation facility will be monitored and operated year-round by Pattern Energy and will have a permanent staff of 10-12 full-time technicians, who would normally be on-site daily. The computer control system for each turbine will perform self-diagnostic tests allowing a remote operator to ensure each turbine is functioning at peak performance. Routine maintenance activities consisting of visual inspections, oil changes, and gearbox lubrication will result in regular truck traffic on project access roads throughout the year. Project access roads will be graded as necessary to facilitate operations and maintenance.

Annual maintenance activities requiring the shut down of turbines will be coordinated to occur during periods of little or no wind to minimize the impact on the amount of overall energy generation. Annual maintenance procedures will consist of inspection of wind turbine components and fasteners.

4.2 MAINTENANCE ACTIVITIES, INCLUDING ROAD MAINTENANCE

All equipment used in the operation of this project will be maintained and inspected regularly by authorized and trained facility staff. A complete schedule will be established before the start of operations.

The internal access roads built and used during the construction phase will be maintained throughout commercial operations. During operations, all project access roads will be evaluated and graded as necessary to facilitate operations and maintenance. In addition to grading, the application of new gravel may be necessary to maintain road surfaces.

4.3 OPERATIONS WORKFORCE, EQUIPMENT, AND GROUND TRANSPORTATION

10 to 12 personnel will normally be onsite during maintenance activities. Five or six service vehicles will normally be utilized, as crews work and travel in pairs. These vehicles will be kept on site, and personnel will travel to the site in personal vehicles. Car pooling will be encouraged.

5.0 ENVIRONMENTAL CONSIDERATIONS

5.1 PA/EIR/EIS SCHEDULE

Activity	Due Date
Applicant's POD Approved by BLM, and BLM Selects/Approves Applicant's Environmental Contractor	January 15, 2010
BLM Publishes the Notice of Intent in the Federal Register for the Plan Amendment/EIS and Proposed Energy Project	January 29, 2010
BLM Conducts Formal Scoping Meetings	February 17, 2010
Formal Scoping Period Ends	March 1, 2010

Preliminary Draft Plan Amendment/Draft Environmental Impact Statement (Draft PA/DEIS) for Internal Staff Review	June 1, 2010
Biological & Cultural Field Surveys Completed	June 1, 2010
Biological & Cultural Reports Completed	June 14, 2010
BLM/EPA Publishes the Notice of Availability (NOA) in the Federal Register for the Draft PA/DEIS *	July 2, 2010
The 90-day Public Review and Comment Period Begins	July 2, 2010
BLM Submits BA to USFWS (Starts the 135-day Consultation Process)	July 2, 2010
Public Meetings for the Draft PA/DEIS	August 18, 2010
90-Day Public Review and Comment Period Ends **	September 30, 2010
USFWS Issues Biological Opinion	November 15, 2010
Section 106 Consultation Completed	November 15, 2010
Comment Analysis and Responses to Comments Drafted	November 15, 2010
Preliminary Proposed Plan Amendment/Final Environmental Impact Statement (Proposed PA/FEIS) for Internal Staff Review	November 30, 2010
BLM/EPA Publishes the Notice of Availability (NOA) in the Federal Register for the Proposed PA/FEIS *	January 7, 2011
30-Day Protest Period for Proposed PA Begins	January 7, 2011
Protest Period for Proposed PA Ends ***	February 7, 2011
BLM Releases the Record of Decision for PA and Energy Project	April 20, 2011

5.2 GENERAL DESCRIPTION OF SITE CHARACTERISTICS AND POTENTIAL ENVIRONMENTAL ISSUES

Pending more detailed site investigations, environmental characteristics of the site can be inferred from existing information. Potential environmental issues potentially include, but would not necessarily be limited to:

- Local vegetation and native plant species
- Wildlife and Endangered or Special Status Species
- Cultural and paleontological resources
- Visual and noise, recreation
- Watershed and fire management
- Special Designations (Protected Areas)
- Local economic and social conditions
- Native American concerns
- Health and Safety
- Community Issues and Aviation

Many of these issue areas are discussed below.

5.2.1 SPECIAL OR SENSITIVE SPECIES AND HABITATS

The Ocotillo Express Wind project would be located near Ocotillo, Imperial County. The project would be located in the Colorado Desert bioregion. This area consists primarily of desert habitats including Sonoran creosote bush scrub, Sonoran desert mixed scrub, Sonoran west scrub, and Sonoran mixed woody and succulent scrub (CPUC, 2008). The wind project would be located immediately north of the in Peninsular Bighorn Sheep Designated Critical Habitat Unit 3 (USFWS, 2009).

The Colorado Desert is the western extension of the Sonoran desert, which covers southern Arizona and northwestern Mexico. Much of the Colorado Desert land lies below 1,000 feet in elevation. Mountain peaks rarely exceed 3,000 feet. Common habitats include sandy desert, scrub, palm oasis, and desert wash. Summers are hot and dry, and winters are cool and moist (CERES, 2009).

The Colorado Desert supports a diverse array of wildlife species including the Yuma antelope ground squirrels, white-winged doves, muskrats, southern mule deer, coyotes, bobcats, and raccoons. Rare animals include desert pupfish, FTHL, prairie falcon, Andrew's dune scarab beetle, Coachella Valley fringe-toed lizard, Le Conte's thrasher, black-tailed gnatcatcher, and California leaf-nosed bat. Rare plants include Orcutt's woody aster, Orocopia sage, foxtail cactus, Coachella Valley milk vetch, and crown of thorns (CERES, 2009).

Sensitive species that could be located in or adjacent to the project site include Peninsular Bighorn Sheep, flat-tailed horned lizard, barefoot banded gecko, and migratory birds and bats.

Peninsular Bighorn Sheep. On April 14, 2009, the USFWS revised the final critical habitat for the Peninsular bighorn sheep, excluding from designation approximately 460,487 acres of habitat in Riverside, San Diego, and Imperial counties identified in the 2001 designation (see 50 Fed. Reg. Part 17). This revision excluded the critical habitat that would have been located on the proposed site. Peninsular bighorn sheep live on steep, open slopes, canyons, and washes in hot and dry desert regions where the land is rough, rocky, and sparsely vegetated. Elevation ranges have been recorded between 300 and 4,000 feet where average annual precipitation is less than four inches and daily high temperatures average 104°F in the summer. Caves and other forms of shelter (e.g., rock outcrops) are used during inclement weather and for shade during the hotter months. Lambing areas are associated with ridge benches or canyon rims adjacent to steep slopes or escarpments. Alluvial fans are also used for breeding, feeding, and movement. Designated critical habitat is located from the San Jacinto Mountains south to the U.S.-Mexico border, generally along the eastern escarpment of the Peninsular Ranges that steeply descend into the Sonoran Desert along the Coachella Valley, Anza-Borrego Desert, and Salton Trough.

Flat-Tailed Horned Lizard. The FTHL has the most limited distribution of any horned lizard species in the U.S. It is found in the extreme southwestern corner of Arizona, the southeastern corner of California, and adjoining portions of Sonora and Baja California, Mexico. FTHLs occur entirely within the largest and most arid subdivision of the Sonoran Desert. Most records of this lizard come from the creosote-white bursage series of Sonoran Desert Scrub, although in California the species has been recorded in a wide range of habitats including sandy flats and hills, badlands, salt flats, and gravelly soils. Ants constitute approximately 97 percent of the

FTHL’s diet; harvester ants (genera *Messor* and *Pogonomyrmex*) are far more important to this diet than smaller ant species. Water is obtained primarily from food; free-standing water is usually not available (Flat-Tailed Horned Lizard Interagency Coordinating Committee, 2003). Unlike other iguanid lizards that often flee when approached, the FTHL remains still or may bury itself in loose sand. This reluctance to move, along with its cryptic coloration and body-flattening habit, makes the FTHL very susceptible to mortality, especially from vehicles (Flat-Tailed Horned Lizard Interagency Coordinating Committee, 2003).

Barefoot Banded Gecko. In California, the State-listed threatened barefoot banded gecko inhabits the eastern edge of the Peninsular Ranges from Palms to Pines Highway (SR74) to the Baja California border. It occupies arid, rocky areas on flatlands and in canyons and thornscrub, especially where there are large boulders and rock outcrops and the vegetation is sparse (CaliforniaHerps.com, 2007). This species is known only from five localities in eastern San Diego County and western Imperial County. Anza- Borrego Desert State Park (ABDSP) affords protection for some gecko habitat (CDFG, 2006b). The natural history of this gecko is not well known; this secretive nocturnal animal hides by day in deep crevices. It is active in fairly cool ambient temperatures during periods of increased humidity, typically spring through fall. It hibernates through the winter (CaliforniaHerps.com, 2007).

Biological surveys will be conducted to identify any possible biological resources that would be impacted by the project. These surveys will help determine what species are present on the project site and to assess potential impacts and determine appropriate conservation and mitigation measures.

TABLE XX – Threatened, Endangered, Species of Concern

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>FEDERAL STATUS</u>	<u>STATE STATUS</u>
<u>BIRDS</u>			
California Black Rail	<i>Laterallus jamaicensis conturriculum</i>	Sp of Concern (C2)	Threatened
Yuma Clapper Rail	<i>Rallus longirostris yumanensis</i>	Endangered	Threatened
Western Yellow Billed Cuckoo	<i>Coccyzus americanus occidentalis</i>	None	Endangered
Elf Owl	<i>Micrathenewhitneyi</i>	None	Endangered
Gila Woodpecker	<i>Melanerpes uropygialis</i>	None	Endangered
Gilded Northern Flicker	<i>Colaptes auratus chrysoides</i>	None	Endangered
Willow Flycatcher	<i>Empidonax traillii</i>	None	Endangered
Arizona Bells Vireo	<i>Vireo bellii arizonae</i>	None	Endangered
<u>FISH</u>			
Colorado Squawfish	<i>Ptychocheilus lucius</i>	Endangered	Endangered

Razorback Sucker	Xyrauchen texanus	Endangered	Endangered
Desert Pupfish	Cyprinodon macularius	Endangered	Endangered
<u>MAMMALS</u>			
Peninsular Bighorn Sheep	Ovis canadensis cremnobates	Proposed Endangered	Threatened
<u>REPTILE</u>			
Desert Tortose	Xerobates agassizii	Threatened	Threatened
Barefoot Banded Gecko	Coleonyx switaki	Sp of Concern (C2)	Threatened
<u>PLANTS</u>			
Algodones Dunes Sunflower	Helianthus niveus ssp tephrodes	Sp of Concern (C2)	Endangered
Wiggins's Croton	Croton wigginsii	Category 3C	Rare
Pierson's Milk-Vetch	Astragalus magdalena var peirsonii	Proposed Endangered	Endangered

5.2.1.1.1 Potential Impacts

As stated in the BLM Programmatic EIS (2005), impacts to vegetation and wildlife during construction could occur from (1) erosion and runoff; (2) fugitive dust; (3) noise; (4) the introduction and spread of invasive vegetation; (4) modification, fragmentation, and reduction of habitat; (5) mortality of biota; (6) exposure to contaminants; and (7) interference with behavioral activities. Site clearing and grading, along with construction of access roads, towers, support buildings, utility and transmission corridors, and other ancillary facilities, could reduce, fragment, or dramatically alter existing habitat in the disturbed portions of the project area. Wildlife in surrounding habitats might also be affected if the construction activity (and associated noise) disturbs normal behaviors, such as feeding and reproduction.

The BLM has identified the following as types of impacts that could occur during the construction and operation of wind projects.

Construction impacts on vegetation. Construction activities may directly impact vegetation at wind project sites due to clearing and grading for towers and related infrastructure, utility corridors and access roads, assembly of turbines and towers, etc. Impacts would be of long and short duration and would be primarily localized to the immediate project area. Introduction of invasive vegetation would impact the project area and potentially impact the surrounding habitat. During construction, vegetation may be impacted through injury or mortality, fugitive dust, and exposure to contaminants or invasive species.

According to the BLM Wind PEIS, approximately five to ten percent of the entire project area would be potentially subject to direct injury or loss of vegetation due to permanent disturbance. Additional temporary impacts to vegetation could occur along transmission lines or at staging areas. Impacts to vegetation would also potentially occur due to compaction, loss of topsoil, and removal or reductions in seed banks.

Construction impacts on wildlife. Direct and indirect impacts to wildlife could occur during the construction of the wind project. Impacts to wildlife could include habitat reduction, alteration, and fragmentation, introduction of invasive species, injury or mortality, decrease of water quality due to erosion and runoff, fugitive dust, noise, and exposure to contaminants, as well as interference with behavioral activities. The location and timing of construction would potentially impact migration routes of some species.

Impacts to wildlife habitat include reduction, alteration, or fragmentation of habitat due to project related infrastructure. Existing habitat would be disturbed within the turbine footprints and support facilities, along new access roads, and within new utility right-of-way (ROW). The amount of habitat that would be subject to direct impact would be approximately five to ten percent of the project site (BLM, 2005).

Additional impacts to wildlife could occur through direct injury or mortality, if wildlife is not sufficiently mobile to avoid construction operations, or if the wildlife is using burrows or defending nest sites.

Construction impacts on wetland and aquatic biota. Wind energy development typically occurs on ridges and other elevated land where wetlands and surface bodies are not likely to occur; however, access roads and transmission lines may cross lands where these features may be more common. This may result in impacts to wetland and aquatic biota during construction. Desert washes may be impacted.

Construction impacts on Threatened and Endangered Species. Construction activities could impact threatened, endangered or sensitive species through injury or mortality, habitat disturbance, introduction of invasive species, erosion or runoff, fugitive dust, noise, exposure to contaminants, and interference with behavioral activities. Because of the regulatory requirements of the Endangered Species Act (ESA) and various state laws and regulations, and the requirements specified in BLM Manual 6840 – Special Status Species Management (BLM 12/12/2008) and other resource-specific regulations and guidelines, appropriate survey, avoidance, and mitigation measures would be identified and implemented prior to any construction activities to avoid impacting any sensitive species or the habitats on which they rely.

Operational Effects on Wildlife. Wildlife may be affected by wind energy project operations through electrocution from transmission lines; noise; the presence of, or collision with, turbines, meteorological towers, and transmission lines; site maintenance activities; exposure to contaminants; disturbance associated with activities of the wind energy project workforce; interference with migratory behavior; and increased potential for fire. Wildlife may be affected by human activities that are not directly associated with the wind energy project or its workforce but instead are associated with the potentially increased access to BLM-administered lands that previously received little use. The construction of new access roads or improvements to old

access roads may lead to increased human access into the area. Potential impacts associated with increased access include the disturbance of wildlife, including an increase in legal and illegal take, an increase in invasive vegetation, and an increase in the incidence of fires.

Collision with turbines meteorological towers, and transmission lines. Operation of a wind energy project is expected to result in mortality of birds due to collision with wind turbine blades. Recent studies have shown that taller tower heights are likely to reduce raptor mortality due to an increase in ground-to-rotor clearance, especially for red-tailed hawks, golden eagles and American kestrels that use spaces closer to the ground for hunting prey. Ground disturbance around wind turbines (roads and work pads) increases the vertical/horizontal edge near turbines, which also may increase prey densities and raptor use. Also, ground disturbance that creates rock piles creates habitat for small mammals and reptiles that could attract raptors to the turbine sites. Small mammals and reptiles may also burrow near the turbine bases where soil has been disturbed. Fatalities among of raptors are of special concern because of their generally low numbers and protected status. Depending on the species and its population size, the number of fatalities may result in population-level effects to the affected raptors. To date (2005), no studies have shown population-level effects in raptor populations associated with wind energy projects (BLM, 2005).

Operation of component wind energy project is expected to result in mortality of bats due to collision with wind turbine blades. Studies show that bat mortality from collision with wind turbines is highest during the late summer and fall migration season. Preliminary data from the Buffalo Ridge WRA suggest that while a number of bats may be susceptible to turbine collisions, the observed mortality is not sufficient to cause population declines in the vicinity of the facility (BLM, 2005). If the species killed were uncommon, impacts could result in population-level effects, while impacts from killing small numbers of common bat species would not be expected to result in population-level effects.

5.2.2 SPECIAL LAND USE DESIGNATIONS

The Ocotillo Express Wind project would be in an area governed by the California Desert Conservation Area Plan. The site is located immediately north of the Jacumba Wilderness, approximately two miles east of the Yuha Area of Critical Environmental Concern, approximately 1.5 miles southwest of the Plaster City Open Area, approximately one mile south of the Coyote Mountains Wilderness, and adjacent to Anza-Borrego Desert State Park and the Jacumba Mountain Wilderness. The Ocotillo Express Wind project would be potentially visible from these special land use areas.

California Desert Conservation Area Plan. The 25-million-acre CDCA is a special planning area administered by the BLM that contains over 12 million acres of public lands within the California Desert, which includes the Mojave, the Sonoran, and a small portion of the Great Basin Deserts. The goal of the CDCA Plan is to provide for economic, educational, scientific, and recreational uses of public lands and resources in the CDCA in a manner that enhances use without diminishing the environmental, cultural, and aesthetic values of the desert.

California Desert District. The mission of the California Desert District (CDD) of the BLM is to protect the natural, historic, recreational and economic riches of the California Desert for

generations to come. In 1976, the United States Congress created the California CDCA, which covers nearly one quarter of the State. As one of the government's primary authorities for the management of public lands, the BLM - through the CDD - acts as steward for 10.4 million acres of this 26 million acre preserve. In an effort to provide the most benefit to the most people, while preserving this rugged and awe inspiring landscape, the CDD developed a balanced, multiple-use plan to guide the management of this vast expanse of land. The plan, completed in 1980 with the help of the public, divides the desert into multiple-use classes. These classes were created in order to define areas in critical need of protection, while allowing for the use and development of less-vital parts of the desert.

Jacumba Wilderness. The Jacumba Wilderness is a 31,237-acre federal wilderness area administered by BLM. The Jacumba Mountains sit on the eastern flank of southern California's coastal peninsular ranges, extending to the international border. The Jacumba's are a broad range, made up of ridges and intervening valleys (BLM, 2009b). The Davies Valley is the largest valley in the wilderness area and is used for hiking, equestrian use, photography, and nature study. A staging area for hiking and riding into Davies Valley is located at the end of Clark Road, south of Ocotillo on State Highway 98.

Yuha Basin Area of Critical Environmental Concern. The Yuha Basin ACEC is managed by the BLM and is designated as an ACEC because of its significant natural, cultural and historic resources (e.g., FTHL populations, Yuha well, Yuha geoglyph, and Juan Bautista de Anza National Historic Trail) (BLM, 2004). Camping is permitted only within six BLM-designated primitive campgrounds located south of the Proposed Project and Interstate 8 in the Yuha Desert. BLM primitive campgrounds are widely dispersed, and undeveloped (i.e., without toilets, electricity, or water). These BLM primitive campgrounds are located along the Juan Bautista de Anza National Historic Trail (BLM, 2004).

Plaster City Off Highway Vehicle Open Area. This area provides 41,000 acres of open desert terrain for OHV recreationists and includes two staging areas, Plaster City East and Plaster City West, that are popular primitive camping and day use areas (BLM, 2009c). Vehicles and camping are permitted anywhere in the area.

Coyote Mountain Wilderness. The Coyote Mountains make up 40 percent of this wilderness. It encompasses approximately 18,000 acres. Part of the Carrizo Badlands lies within the northern portion of the wilderness, their narrow and twisting gullies giving the landscape a harsh, forbidding appearance. A group of unusual sandstone rock formations, believed to be six million years old, adds to the character of this wilderness. Fossil Canyon ACEC is within the Coyote Mountains Wilderness (BLM, 2009c).

Anza-Borrego Desert State Park and Jacumba Mountain Wilderness. Anza-Borrego Desert State Park is the largest state park in California. Five-hundred miles of dirt roads, 12 wilderness areas and miles of hiking trails are found in this part of the California Desert.

5.2.1.1.2 Potential Impacts to BLM-Administered Land.

Public lands -- unless otherwise classified, segregated, or withdrawn -- are available at the BLM's discretion for ROW authorization for wind energy development under the FLMPA (BLM, 2005). The *California Desert Conservation Area Plan, as Amended* (BLM 1999),

identifies wind energy development as an authorized use of public lands, consistent with the Plan and NEPA. Consequently, public lands located in the CDCA are not restricted from wind energy development.

Site monitoring and testing associated with the meteorological towers and minimum-specification access roads (if required) would generally result in temporary, localized impacts to existing land uses. Meteorological data would be collected for 1 to 3 years and would require the installation of meteorological towers to characterize the wind regime at a potential wind resource area (WRA). Since a meteorological tower would occupy only a few square feet, only a negligible impact to most existing land uses would be expected. However, the presence of the towers, including guy-wires and possible access roads, may impact more remote recreational experiences.

According to the BLM Wind PEIS, construction activities could result in temporary impacts to existing land uses. For example, construction activities such as blasting could impact other uses of BLM land.

Permanent land use impacts are based on the amount of land that would be displaced by a proposed project and by the compatibility of the proposed use with existing uses. Permanently converted acreage would usually involve only a small portion of that available within a project area. Given the overall footprints of wind turbine towers and ancillary structures, the amount of acreage required for most wind energy development projects should be a small fraction of the grant area (BLM, 2005). Generally, wind turbines need to be separated by a distance equivalent to at least several tower heights in order to allow wind strength to reform and for the turbulence created by one rotor not to harm another turbine downwind. Therefore, only a small percentage of land area is taken out of use by the turbines, access roads, and other associated infrastructure. Depending on the location, size, and design of a wind energy project, wind development is compatible with a wide variety of land uses and generally would not preclude recreational, wildlife habitat conservation, military, livestock grazing, oil and gas leasing, or other activities that currently occur within the proposed project area (BLM, 2005). Development of the wind farm and security measures may impact the off-highway vehicular (OHV) traffic and associated recreational experiences due to rerouting of roads, closures of existing travel routes, creation of strong visual contrasts, and implementation of site security measures.

Overall, establishment of a wind energy project and its ancillary structures (e.g., transmission lines and access road) would modify the existing land cover (BLM, 2005). Indirect land use impacts would not be expected, because it is anticipated that a wind energy project would not substantially induce or reduce regional growth to the extent that it would change off-site land uses or use of off-site resource-based recreation areas.

Upon decommissioning, most land use impacts from facility construction and operation would be reversible. No permanent land use impacts would be expected from decommissioning (BLM, 2005). The BLM could decide to continue the use of, and maintain, access roads.

5.1.3 CULTURAL AND HISTORIC RESOURCE SITES AND VALUES

The Ocotillo Express Wind project would be located in the Colorado Desert in Imperial County. The following is a brief description of the cultural and historic setting of the Colorado Desert taken from the Sunrise Powerlink Project Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) (2008). According to the Sunrise Powerlink Project EIR/EIS, current research of precontact occupation in San Diego County and western Imperial County recognizes the existence of at least two major cultural traditions, discussed here as Early Period/Archaic and Late Period. Within the region, the Early Period/Archaic spans from roughly 9,500 to 1,300 years ago, and the Late Period begins approximately 1,300 years ago and ends with historic contact. The Historic Period covers the time from Spanish contact to the present.

5.2.1.2 ARCHAIC PERIOD

The Archaic period in western Imperial County is not strongly represented. The Salton Trough is unique in having contained a large freshwater lake that filled, dried out, and filled numerous times in prehistory in response to the western diversion of the Colorado River into the Salton Trough. While the general timing of several of these lacustral intervals is fairly well established for the late Holocene (Waters, 1983), data for earlier periods is currently lacking. The Archaic period is represented in the western Colorado Desert by occasional surface finds of isolated dart points, a cairn burial from the Yuha area dated between 1,650 and 3,850 years B.P. (Taylor et al., 1985), stratified deposits spanning the Archaic and Late Periods at Indian Hill Rockshelter in Anza-Borrego Desert State Park (Wilke and McDonald, 1989; McDonald, 1992), and by an unusually high concentration of Archaic points and crescentics at the Salton Sea Test Base (Apple et al., 1997).

5.2.1.3 LATE PERIOD

It is not possible to understand the Late Period of the western Colorado Desert and eastern slopes of the Peninsular Range without reference to Lake Cahuilla. Combining radiocarbon evidence from core samples and archaeological sites with ethnohistoric information, Waters (1983) determined that the Salton Trough experienced four major lacustrine episodes during the period between approximately 400 and 1,200 years ago. A fifth partial refilling has since been proposed based on faunal evidence recovered from the Dunaway Road site in southeastern Imperial County. Numerous communities exploited many resources along the Lake Cahuilla shoreline, although there is debate regarding if the occupations were year-round residential bases or seasonal, temporary camps. Variability and flexibility in the face of changing environmental circumstances seem to have been the main principles governing Late Period adaptation throughout the area (Schaefer, 1994). Following desiccation of Lake Cahuilla, major out-migrations to other areas of interior California would have occurred (Wilke, 1978).

The extensive system of trails that crisscross the desert attests to the importance of long-range resource extraction and trade during the Late Period. Extensive travel and trade between the Pacific coast and well beyond the California-Arizona and California-Mexico borders are well documented in ethnohistoric accounts and in the archaeological record.

5.2.1.4 HISTORICAL BACKGROUND

The history of the region is generally divided into the Spanish (1769-1821), Mexican (1821-1846), and American (after 1846) periods. The Spanish Period began with the establishment of a mission and presidio on a hill overlooking San Diego Bay in July 1769. The Spaniards introduced European crops, cattle, and other livestock. Their goal was to convert the Native Americans to Christianity and teach them to be agriculturists. The Mexican Period began in 1821 when Mexico achieved independence from Spain. During the 1820s, a small village began to form at the base of Presidio Hill that became the Pueblo of San Diego (present-day Old Town). In 1846, San Diego was occupied by American troops and officially became part of the United States when the Treaty of Guadalupe Hidalgo formalized the transfer of territory from Mexico to the United States in 1848.

5.2.1.5 DEVELOPMENT OF WESTERN IMPERIAL VALLEY

In May 1901, the California Development Company, under the direction of engineer George M. Chaffey, succeeded in bringing water into the Imperial Valley from the Colorado River. Within one year, 400 miles of ditches had been excavated to irrigate more than 10,000 acres of fertile land that up until that time had remained barren desert for lack of water. The area prospered quickly and towns formed including Imperial City, Calexico, Mexicali, Holtville, Seeley, Brawley, and El Centro (Pourade, 1965). In 1907, Imperial County was formed out of the eastern portion of San Diego County with an estimated population of 6,940. El Centro was the county seat (Pourade, 1965).

Transportation. Development brought the need for better transportation routes. Between 1912 and 1915, three major projects: the completion of an automobile road down Mountain Springs Grade; construction of the Plank Road across the Algodones Sand Dunes; and, the building of the Ocean to Ocean Highway Bridge that crosses the Colorado River at Yuma, gave Imperial Valley major automobile connections with the east and west coasts. This route was eventually paved in 1924 as Highway 80 (Wray, 2004). Between 1917 and 1925, the Julian-Kane Springs Road, which closely follows current Highway 78, was completed between Julian and Kane Springs at the junction of the Brawley to Indio Road, now Highway 86. A small service station was located at Kane Springs (Wray, 2004). The Imperial Highway was completed through Sweeney Pass in the 1930s. Modern San Diego County Highway S-2 now follows this route. The town of Ocotillo developed at the junction of the Imperial Highway and Highway 80 (Wray, 2004). In addition, during the 1920s, Plaster City was established along Highway 80 to process gypsum ore from the company's mine at Split Mountain. A railroad carries the ore from the mine to the plant (Wray, 2004).

5.2.1.5.1 Potential Impacts

A Class III cultural resource inventory survey is being completed. As necessary, project components will be relocated to avoid direct impacts to any eligible sites. Information from a Class I record search will be available when complete.

Site Monitoring and Testing. Potential impacts to cultural resources could occur during site monitoring and testing; however, the causes of possible impacts would be limited to minor ground-disturbing activities and activities that result in the potential for unauthorized collection

of artifacts and acts of vandalism (BLM, 2005). Typically, excavation activities and road construction to provide access to the project area would be very limited. Some clearing or grading might be needed in order to install monitoring towers and equipment enclosures. If more extensive excavation or road construction was needed during this phase, more extensive impacts would be possible

Site Construction. Ground disturbance during project construction could impact cultural resources by damaging and displacing artifacts, resulting in loss of significant information. Increased erosion caused by construction could impact cultural resources by dispersing artifacts and destroying archeological deposits. Project construction would potentially open up new areas of BLM-Administered land to humans which increases the potential for adverse impacts caused by looting, vandalism, and inadvertent destruction to resources (BLM, 2005). Visual impacts to cultural resources are also likely during project construction.

Site Operation. As during construction, project operation would potentially open up new areas of BLM-Administered land to humans which increases the potential for adverse impacts caused by looting, vandalism, and inadvertent destruction to resources (BLM, 2005). Visual impacts could occur during operation, as wind turbines could potentially be perceived as an intrusion on sacred or historical landscapes.

Site Decommissioning. Few impacts to cultural resources would be expected during site decommissioning. Ground disturbance during decommissioning would be confined primarily to areas that were originally disturbed during construction. Most cultural resources are nonrenewable and would either have been removed professionally prior to construction or would have been already disturbed or destroyed by prior activities. Should access roads remain, the potential for looting and vandalism would also remain (BLM, 2005)

5.1.4 NATIVE AMERICAN TRIBAL CONCERNS

Pursuant to section 106 of the National Historic Preservation Act, the BLM would initiate Native American consultation. The BLM, El Centro Field Office would conduct government to government Native American consultation.

According to the BLM Wind PEIS, the BLM should consult with Native American governments early in the planning process to identify issues and areas of concern regarding the proposed wind energy development. Consultation is required under the National Historic Preservation Act of 1966, as Amended and consultation is necessary to establish whether the project is likely to disturb properties of traditional religious or cultural importance. To comply with the American Indian Religious Freedom Act, the BLM must consider the views of American Indian religious practitioners regarding sacred sites and must seek ways to avoid or minimize disturbance to traditional religious places or disruption of traditional religious practices.

5.1.5 SPECIAL AREAS, RECREATION AND OHV CONFLICTS

The Ocotillo Express Wind project site is located in the Yuha Desert Recreation Area, and is adjacent to a number of points of interest. As stated above, the project site would be adjacent to a variety of recreational opportunities. The Jacumba Wilderness offers camping, hiking, equestrian

and unique geologic formations. The Plaster City Open Area provides a variety of terrain for off-highway vehicles. Additional open routes cross the project site; the wind turbines would be sited to avoid the open roads.

The project area would be visible from the Yuha Desert ACEC, Yuha Geoglyphs, Plaster City ORV Open Area, Coyote Mountain Wilderness, Juan Bautista de Anza National Historic Trail, and the Jacumba Wilderness Area.

5.1.5.1 Special Designations

The NEPA analysis will determine the degree of significance of impacts to the existing town of Warner, the Warner Wilderness and the Historic Trail Designations.

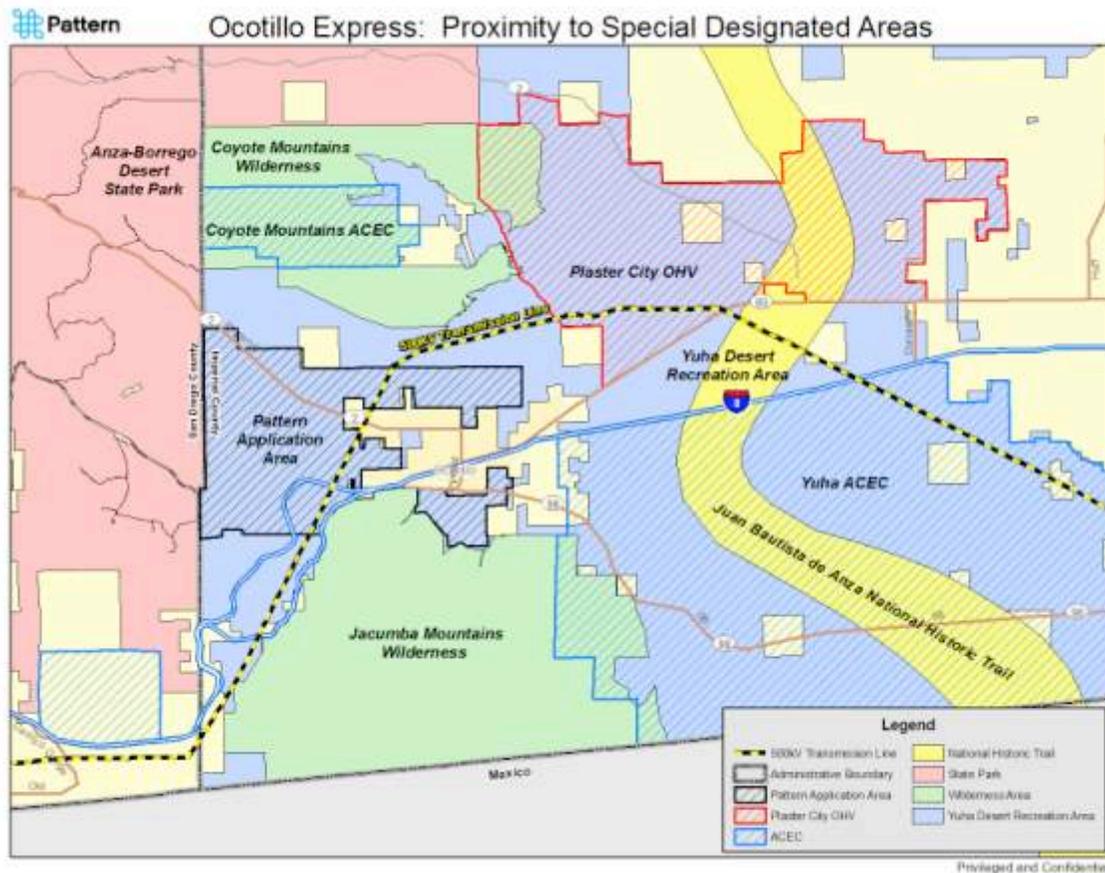
5.1.5.2 Recreation

Ocotillo Express will consult with the BLM to determine impacts of the proposed project area to the recreation outcomes and benefits. BLM will identify what it will do to provide management, marketing, monitoring, and administrative actions to meet recreation demands for this area as a result of the proposed project changing the setting character of the area.

5.1.5.3 OHV

The applicant will work with BLM staff, interested public, organizations, and agencies to develop a travel management plan for the project area to provide systematic access across and within the project area to facilitate OHV and other public traffic.

Figure XX Special Designated Areas



5.2.1.5.2 Potential Impacts

Impacts to recreational resources include noise impacts, dust or air quality impacts, and/or visual impacts (BLM, 2005). The potential for impacts increases if the project is located in an area of high-density, concentrated, and developed recreation or if the visual impact is to a remote setting or landscape.

Noise, dust, traffic and the presence of construction crews could temporarily impact the character of nearby recreational resources. People engaged in hiking, camping, birding, and hunting would be affected the most by construction activities. Some campsites may experience increased use by transient workers who seek temporary accommodations during project construction.

Operation of the wind project could improved accessibility to the area and as such, could increase recreational opportunities; although at the same time, this could alter the experience for people wanting a backcountry setting (BLM, 2005). However, development of a wind energy project could modify the Recreation Opportunity Spectrum class within which the proposed project would be located. Most long-term effects would relate to visual disturbances.

5.1.6 NOISE

Site-specific data on outdoor sound levels in the project area are not available. Varying noise levels occur in the project area. Rural communities or unpopulated lands are the quietest, but noise can be sporadically elevated in localized areas where influenced by on-road traffic or aircraft. Natural noise levels absent human activity are generally low. Unpopulated natural areas are expected to be as low as 35 to 50 dBA, and ambient levels tend to be below 50 dBA in open areas. Part of the project site would be adjacent to I-8 where noise levels are the highest (over 80 dBA). Parallel to the existing 500 kV Southwest Powerlink transmission line, corona noise can be heard as a crackling or hissing sound at levels of approximately 50 dBA.

Noise-Sensitive Receptors. Residences are near the project in Ocotillo. Non-motorized recreational users would also be considered as noise-sensitive receptors.

5.2.1.5.3 Potential Impacts

Site testing. Most activities associated with site monitoring and testing would generate relatively low levels of noise. Potential short-term sources of noise at the beginning or end of this phase could include the use of a grader or bulldozer [about 85 dB(A)] if an access road was needed and there was traffic caused by heavy-duty or medium-duty trucks used to transport the towers to and from the site. Light-duty pickup trucks would potentially be used periodically for meteorological data collection and instrument maintenance during the course of the monitoring and testing phase. All these activities would be expected to occur during daytime hours when noise is tolerated more than at night, because of the masking effect of background noise. Accordingly, potential impacts of site monitoring and testing activities on ambient noise would be expected to be temporary and intermittent in nature (BLM, 2005).

Construction. Average noise levels for typical construction equipment range from 74 dB(A) for a roller, to 85 dB(A) for a bulldozer, to 101 dB(A) at a pile driver (impact) (BLM, 2005). In general, the dominant noise source from most construction equipment is the diesel engine, which is continuously operating around a fixed location or with limited movement. According to BLM calculation, it is estimated that with the two noisiest pieces of equipment operating simultaneously at peak load, noise levels would exceed the EPA guideline for residential Ldn noise [55 dB(A)] for a distance of about 1,640 ft (500 m) (EPA 1974). As sensitive receptors occur within 1,640 ft of the project site, there is potential for noise impacts during construction of the project.

Noise could be generated during construction from vehicular traffic including hauling materials, movement of heavy equipment, and commuter or visitor traffic. Noise levels associated with traffic would increase and decrease rapidly and would be greatest at the highest number of peak-hour trips and total heavy-duty truck traffic.

Additional noise impacts could occur should blasting be required for wind turbine foundations. Blasting would create a compressional wave in the air (air blast overpressure), the audible portion of which would be manifested as noise (BLM, 2005).

Operation. During operation, noise sources would include mechanical and aerodynamic noise; transformer and switchgear noise from substations; corona noise from transmission lines;

vehicular traffic noise, including commuter and visitor and material delivery; and noise from an operation and maintenance (O&M) facility.

Wind Turbine Noise. Aerodynamic noise from wind turbines originates mainly from the flow of air over and past the blades and generally increases with tip speed. The aerodynamic noise has a broadband character, often described as a “swishing” or “whooshing” sound, and is typically the dominant part of wind turbine noise today (BLM, 2005). The noise caused by this process is unavoidable. Although aerodynamic noise mostly has a broadband character, airfoil-related noise can also create a tonal component and there can be both impulsive and low-frequency components.

Impulsive noise and low-frequency noise are primarily associated with older-model downwind turbines, the blades of which are on the downwind side of the tower; these types of noise are caused by the interaction of the blades with disturbed air flow around the tower. Impulsive noise is characterized by short acoustic impulses or thumping sounds that vary in amplitude (level) as a function of time. Low-frequency noise is a more steady sound in the range of 20 to 100 Hz. These types of noise can be avoided, however, with appropriate engineering design (BLM, 2005).

There are many wind turbine designs. In general, upwind turbines are less noisy than downwind turbines and their lower rotational speed and pitch control results in lower noise generation (BLM, 2005). A variable speed wind turbine generates relatively lower noise emissions than a fixed speed turbine. A large variable speed wind turbine operates at slower speeds in low winds, resulting in much quieter operation in low winds than a comparable fixed speed wind turbine. As wind speed increases, the wind itself masks the increasing turbine noise.

To determine the potential noise impacts at the nearest residences from wind turbine operations, sound level data would be needed. Whether the turbine noise is intrusive or not depends not only on its distribution of amplitude and frequency but also on the background noise, which varies with the level of human and animal activities and meteorological conditions (primarily wind speed).

Substation Noise. Two sources of noise are associated with substations, transformer noise and switchgear noise (BLM, 2005). A transformer produces a constant low-frequency humming noise primarily because of the vibration of its core. Current transformer design trends have shown decreases in noise levels. The cooling fans and oil pumps at large transformers produce broadband noise only when additional cooling is required; in general, this noise is less noticeable than the tonal noise. Switchgear noise is generated by the operation of circuit breakers used to break high-voltage connections at 132 kV and above. An arc formed between the separating contacts has to be “blown out” using a blast of high-pressure gas. The resultant noise is impulsive in character (i.e., loud and of very short duration). The industry is moving toward the use of more modern circuit breakers that use a dielectric gas to extinguish the arc and generate significantly less noise.

Corona Noise. Potential transmission line noise can result from corona discharge, which is the electrical breakdown of air into charged particles. Corona noise is composed of broadband noise, characterized as a crackling or hissing noise, and pure tones, characterized as a humming noise

of about 120 Hz. Corona noise is primarily affected by weather and, to a lesser degree, by altitude and temperature. It is created during all types of weather when air ionizes near isolated irregularities (e.g., nicks, scrapes, and insects) on the conductor surface of operating transmission lines. Modern transmission lines are designed, constructed, and maintained so that during dry conditions the line will generate a minimum of corona-related noise. In wet conditions, however, water drops collecting on the lines provide favorable conditions for corona discharges. Occasional corona humming noise at 120 Hz and higher is easily identified and, therefore, may become the target of complaints (BLM, 2005).

Noise related to Maintenance Activities. Regular maintenance activities would include periodic site visits to wind turbines, communication cables, transmission lines, substations, and auxiliary structures. These activities would involve light- or medium-duty vehicle traffic with relatively low noise levels. Infrequent but noisy activities would be anticipated, such as road maintenance work with heavy equipment, or repair or replacement of old or inoperative wind turbines or auxiliary equipment.

5.1.7 PALEONTOLOGICAL RESOURCES

Portion of the Ocotillo Express Wind site is underlain by the following geologic units:

- **Quaternary alluvium.** Quaternary alluvium consists of partly dissected, mostly unconsolidated, poorly sorted sand, silt, clay, and gravel located at the margins of canyons and within valley floors. “Younger” alluvium is Holocene (10,000 years ago to Recent) in age and “Older alluvium” is Pleistocene (1.8 million years ago to 10,000 years ago) in age. Fossil localities in older alluvium deposits throughout southern California have yielded terrestrial vertebrates such as mammoths, mastodons, ground sloths, dire wolves, short-faced bears, saber-toothed cats, horses, camels, and bison (Scott, 2006). Younger alluvium is determined to have a low potential for paleontological resources but is often underlain by older alluvium, which is determined to have a high potential for paleontological resources.
- **Split Mountain Formation.** The Split Mountain Formation, deposited during the late Miocene to early Pliocene (3 to 7 million years ago) consists of four members: a lower boulder and cobble fanglomerate (interpreted as a landslide) overlain by the Fish Creek Gypsum, which is in turn overlain by a marine sandstone and shale. The uppermost member consists of a massive gray fanglomerate that is also interpreted to be a deposited as a landslide event. The two fanglomerate units have not yielded fossils; however, the marine sandstone and shale as well as the Fish Creek Gypsum have yielded microfossils. The Split Mountain Formation is determined to have a moderate paleontological resources potential.
- **Alverson Volcanics.** Alverson Volcanics include an upper unit of volcanic flows and a lower unit consisting of a sequence of conglomerates, sandstones, and mudstones interbedded with lava flows. The sedimentary deposits within this geologic unit have yielded fossilized algae, pollen, petrified wood, mollusks, and one occurrence of a vertebrate bone fragment. The Alverson Volcanics are assigned a moderate paleontological resource potential.

Other geologic units may also be present (CPUC 2008).

5.2.1.5.4 Potential Impacts

Impacts to paleontological resources would potentially occur during ground disturbing activities. If there is a strong potential for fossil remains to be present in the project area, a survey would be required (BLM, 2005).

Site Monitoring and Testing. Ground disturbing activities would occur during the site monitoring and testing, including excavation and some road construction. Some clearing and grading may be required for installing monitoring towers and equipment enclosures. Because the monitoring and testing activities would affect small, localized areas the likelihood of an impact is reduced (BLM, 2005). Additional impacts could occur if the access roads were used to reach areas previously inaccessible to the public.

Site Construction. Site construction has the potential to impact paleontological impacts because it would require excavation, grading, and vegetation removal and potential blasting. Grading and blasting would directly impact paleontological resources if they were present. Grading for access roads, lay-down areas, staging areas for cranes, and other infrastructure would also create potential impacts. BLM identifies human removal of fossils rather than reporting them as one of the greatest threats to paleontological resources. Development of a wind project would bring a large number of workers into contact with areas that had been previously undisturbed. With mitigation, the fossils contained in sensitive geologic units, as well as the paleontological data they could provide, could be properly salvaged and documented.

Site Operation and Decommissioning. Few impacts to paleontological resources would be expected during operation and decommissioning of the wind project. Most activities during operation and decommissioning would not result in new ground disturbance, minimizing disturbance to new fossils. The improved access to the site would continue to present possible impacts due to removal of fossils by amateurs.

5.1.8 VISUAL RESOURCE MANAGEMENT DESIGNATIONS

Public lands administered by the BLM have a variety of visual values. These lands are subject to visual resource management objectives as developed using the BLM Visual Resource Management (VRM) System (BLM, 1984, 1986a, 1986b) and presented in the Resource Management Plan for a given unit. The BLM system identifies four VRM Classes (I through IV) with specific management prescriptions for each class. The system is based on an assessment of scenic quality, viewer sensitivity and viewing distance zones.

5.2.1.5.5 Scenic Quality

Scenic Quality is a measure of the overall impression or appeal of an area created by the physical features of the landscape, such as natural features (landforms, vegetation, water, color, adjacent scenery and scarcity), and built features (roads, buildings, railroads, agricultural patterns, and utility lines). These features create the distinguishable form, line, color, and texture of the landscape composition that can be judged for scenic quality using criteria such as distinctiveness, contrast, variety, harmony, and balance. The VRM scenic quality rating components are evaluated to arrive at one of three scenic quality ratings (A, B, or C) for a given landscape. Each landscape component is scored and a score of 19 or more results in a Class A scenic quality rating.

A score of 12 to 18 results in a Class B scenic quality rating, while a score of 11 or less results in a Class C scenic quality rating. The three scenic quality classes can be described as follows:

- Scenic Quality Class A – Landscapes that combine the most outstanding characteristics of the region.
- Scenic Quality Class B – Landscapes that exhibit a combination of outstanding and common features.
- Scenic Quality Class C – Landscapes that have features that are common to the region.

5.2.1.5.6 Viewer Sensitivity

Viewer Sensitivity is a factor used to represent the value of the visual landscape to the viewing public, including the extent to which the landscape is viewed. For example, a landscape may have high scenic qualities but be remotely located and, therefore, seldom viewed. Sensitivity considers such factors as visual access (including duration and frequency of view), type and amount of use, public interest, adjacent land uses, and whether the landscape is part of a special area (e.g., California Desert Conservation Area or Area of Critical Environmental Concern). The three levels of viewer sensitivity can generally be defined as follows:

- High Sensitivity. Areas that are either designated for scenic resources protection, or receive a high degree of use (includes areas visible from roads and highways receiving more than 45,000 visits [vehicles] per year). Typically within the foreground/middleground viewing distance.
- Medium Sensitivity. Areas lacking specific, or designated, scenic resources protection, but are located in sufficiently close proximity to be within the viewshed of the protected area. Includes areas that are visible from roads and highways receiving 5,000 to 45,000 visits (vehicles) per year. Typically within the background viewing distance.
- Low Sensitivity. Areas that are remote from populated areas, major roadways, and protected areas or are severely degraded visually. Includes areas that are visible from roads and highways receiving less than 5,000 visits (vehicles) per year.

The project site would be located on BLM-administered lands located within the California Desert Conservation Area (CDCA). Because of the public importance imparted by this designation, all BLM lands within the CDCA that were inventoried for this project have been assigned a High rating for Viewer Sensitivity.

5.2.1.5.7 Viewing Distance Zones

Landscapes are generally subdivided into three distance zones based on relative visibility from travel routes or observation points. The foreground/middleground (f/m) zone includes areas that are less than three to five miles from the viewing location. The foreground/middleground zone defines the area in which landscape details transition from readily perceived, to outlines and patterns. The background (b) zone is generally greater than 5, but less than 15, miles from the viewing location. The background zone includes areas where landforms are the most dominant element in the landscape, and color and texture become subordinate. In order to be included within this distance zone, vegetation should be visible at least as patterns of light and dark. The seldom-seen zone (s/s) includes areas that are usually hidden from view as a result of topographic or vegetative screening or atmospheric conditions. In some cases, atmospheric and lighting conditions can reduce visibility and shorten the distances normally covered by each zone (BLM, 1986b).

5.2.1.5.8 Visual Resource Management Classes

The VRM Class for a given area is typically arrived at through the use of a classification matrix. By comparing the scenic quality, visual sensitivity, and distance zone, the specific VRM class can be determined. The exception to this process is the Class I designation, which is placed on special areas where management activities are restricted (e.g., wilderness areas).

VRM Classes have been established in existing Resource Management Plans for the BLM lands in San Diego County. However, VRM classifications have not been established in Resource Management Plans for BLM lands in the vicinity of the project in Imperial County. For those lands, Interim VRM Classes were developed for the Sunrise Powerlink Project EIR/EIS using the methodology set forth below. These Interim VRM Classes will become final once adopted in an amendment to the Land Management Plan.

The objectives of each VRM classification as stated in the BLM VRM *Visual Resource Inventory Manual* are as follows:

- VRM Class I. The objective is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.
- VRM Class II. The objective is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.
- VRM Class III. The objective is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate or lower. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.
- VRM Class IV. The objective is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

As previously stated, all lands within the California Desert Conservation Area are assigned a High Visual Sensitivity Level. All of the lands inventoried for the Sunrise Powerlink Project are also within the foreground/midground (f/m) viewing distance zone of one or more public viewing points or access roads. As a result, the Interim VRM Classes are tied directly to the Scenic Quality Classes. Areas with Class B Scenic Quality result in an Interim VRM Class II. Areas with Class C Scenic Quality result in an Interim VRM Class III. As can be seen in Figure D.3-1A from Section D. (Visual Resources) for the Sunrise Powerlink Project EIR/EIS, the Ocotillo Express Wind project would be located on an area with an Interim VRM Class III. Land located south of the project, the Jacumba Wilderness, and land located north of the project, the Coyote Mountain Wilderness, have Interim VRM Class I (CPUC, 2008).

Western Imperial County is predominantly characterized by rough, rocky mountains with jagged ridgelines bordering broad, desert basins and alluvial slopes. Vegetation in this region ranges from sparse, low-growing grasses and shrubs such as creosote in the wide, flat desert basins to

completely absent in areas of high four-wheel drive (4WD) recreational use. Project viewing opportunities are numerous and include Interstate 8 (I-8), State Routes (SR) 2 and 98, local roads, the many 4WD access roads on public lands, and recreational and visitor areas, and from the town of Ocotillo and Coyote Wells.

According to the Sunrise Powerlink Project EIR/EIS, this landscape encompasses a portion of the existing SWPL transmission line as it crosses Sugarloaf Mountain and converges on I-8, passing between the separated eastbound and westbound lanes. Vista views from I-8 are panoramic in scope and encompass the western portion of the Yuha Desert with the Coyote Mountains beyond. Adjacent landform colors are predominantly light tan for soils with reddish-brown hues for rocks and lavender and bluish hues for the distant mountains. Landform textures appear smooth to granular while vegetation is patchy with clumps. Vegetation exhibits a matte texture and vegetation colors include tans to pale yellow for grasses with muted to light and dark greens and tans for the shrubs. Although the boulder slopes of In-Ko-Pah Gorge, Sugarloaf Mountain, and the Coyote Mountains beyond create land variation of visual interest, the overall scenic quality of the desert basin landscape is substantially compromised by the prominent presence of the steel-lattice transmission line with its complex structural form and lines and industrial character. The Sunrise Powerlink Project would further increase the industrial nature of this area. The BLM scenic quality classification is Class C while viewer sensitivity is high. The Interim VRM Class Rating is III.

The BLM's Interim VRM Class III objective allows for a moderate or lower degree of visual change that, while it may attract attention, should not dominate the view of the casual observer.

5.2.1.5.9 Potential Impacts

The BLM's VRM system defines visual impact as the contrast perceived by observers between existing landscapes and proposed projects and activities. The degree to which an activity intrudes on, degrades, or reduces the visual quality of a landscape depends on the amount of visual contrast it introduces. Visual changes or modifications that do not harmonize with landscapes often look out of place, and the resulting contrast may be unpleasant and undesirable.

Site Monitoring and Testing. Possible visual impacts could occur during monitoring and testing due to the road traffic, parking, and associated dust, the presence of meteorological towers, and possibility of associated reflections producing sun glint, and any idle or dismantled equipment on site.

Site Construction. Impacts during project construction could include the development of new or expanded roads, which would lead to visible activity and an increase in dust. Temporary parking would also be visible due to suspended dust and loss of vegetation in parking areas. The temporary presence of large cranes or other equipment would be visible in addition to any visible exhaust plumes from these. Ground disturbance would result in contrast in color, form, texture, and line compared with the rest of the project site. Destruction and removal of vegetation due to clearing, compaction, and dust are expected. Soil scars and exposed slope faces would result from excavation, leveling, and equipment movement. Invasive species may colonize disturbed and stockpiled soils and compacted areas. The land area or footprint of installed equipment would be typically small, as little as 5 to 10% of the site, but could be susceptible to broader

disturbance and alteration over longer periods of time (BLM, 2005). Site restoration activities would reduce many of these impacts.

Site Operation. Wind energy development projects on BLM-administered lands would be highly visible because of the introduction of turbines into typically rural or natural landscapes, many of which have few other comparable structures. The artificial appearance of wind turbines may have visually incongruous “industrial” associations for some, particularly in a predominantly natural landscape. Visual evidence of wind turbines cannot be avoided, reduced, or concealed, owing to their size and exposed location; therefore, effective mitigation could be limited (BLM, 2005).

The BLM Wind PEIS identifies other additional potential visual impacts including shadow flicker and blade glint. Daily and seasonal low sunlight conditions striking ridgelines and towers would tend to make them more visible and more prominent. Interposition of turbines between observers and the sun, particularly in the early and late hours of the day and during the winter season when sun angles are low, could produce a strobe-like effect from flickering shadows cast by the moving rotors onto the ground and objects. A strobe-like effect can also be caused by the regular reflection of the sun off rotating turbine blades. Unlike shadow flicker, perception of blade glint would depend on the orientation of the nacelle, angle of the rotor, and the location of the observer relative to the position of the sun.

If security and safety lighting are used, even if they are downwardly focused, visibility of the site would increase, particularly in dark nighttime sky conditions typical of rural areas. It would also contribute to sky glow resulting from ambient artificial lighting. Any degree of lighting would produce off-site “light trespass”; it would be most abbreviated, however, if the lighting was limited to just the substation and controlled by motion sensors (BLM, 2005).

FAA rules would require lights mounted on nacelles that flash white during the day and twilight (20,000 candela) and red at night (2,000 candela). White lights would be less obtrusive in daylight, but red lights would likely be conspicuous at great distances against dark skies. Typically, the FAA requires warning lights on the first and last turbines in a string and every 1,000 to 1,400 ft (305 to 427 m) in between. Although these beacons would concentrate light in the horizontal plane, they would increase visibility of the turbines, particularly in dark nighttime sky conditions typical of rural areas. Beacons would likely not contribute (because of intermittent operation) to sky glow resulting from artificial lighting. The emission of light to off-site areas could be considerable (BLM, 2005).

The applicant will design the facilities to the extent feasible to minimize the impact on the characteristic visual landscape. The POD should contain statements to the effect that “the applicant will design the facilities to minimize the impact on the characteristic visual landscape.

The process is to design the facility to meet or exceed the objectives for the VRM Interim Class III. High level visual simulations and VRM Contrast Ratings will be done from the Key Observation Points (KOPs). These ratings evaluate the existing contrast and proposed mitigating measures to reduce contrast. Applicant will to the extent feasible use proper design fundamentals, including proper siting and location; reduction of visibility; repetition of form, line, color, and texture of the characteristic landscape; and reduction of unnecessary disturbance. Design strategies to use include color selection, earthwork, vegetation manipulation, and

structure modification. Development of good design strategies minimizes the need for extensive mitigation measures later on in the environmental documentation process.

5.1.9 AVIATION AND/OR MILITARY CONSIDERATIONS

The Ocotillo Express Wind Project would be located approximately five miles southwest of the Naval Reservation Target 103, which is identified as a live bombing area. The project location would be located within the Department of Defense Airspace Consultation Area (BLM, 2009d).

The FAA requires a notice of proposed construction for a project so that it can determine whether it would adversely affect commercial, military, or personal air navigation safety (FAA 2000). One of the triggering criteria is whether the project would be located within 20,000 ft (6,096 m) or less of an existing public or military airport. Another FAA criterion triggering the notice of proposed construction is any construction or alteration of more than 200 ft (61 m) in height above ground level. This criterion applies regardless of the distance from the proposed project to an airport (FAA 2000). As such, the Ocotillo Express Wind Project would be required to notify the FAA of the project.

In accordance with the *Wind Energy Protocol Between The Department of Defense and the Bureau of Land Management Concerning Consultation of Development of Wind Energy Projects and Turbine Siting on Public Lands Administered by the Bureau of Land Management to Ensure Compatibility with Military Activities*, the BLM would be required to send the preliminary POD to the Department of Defense.

5.1.10 OTHER ENVIRONMENTAL CONSIDERATIONS

5.2.1.6 GEOLOGIC RESOURCES

The wind project would cross the northeastern edge of the Yuha Desert and the southern edge of the Coyote Mountains. The project would be located on geologic units including Alluvium and Granitic rocks (CPUC, 2008). Other geologic units may also be present. Alluvium deposits include unconsolidated stream, river, and alluvial fan deposits consisting of primarily sand, silt, clay, and gravel. The granitic rocks that would underlay part of the project location would be La Posta quartz diorite.

The project would be located on hills, mesas, and valleys of the Jacumba Mountains. The sloping hills and valleys in these areas are underlain primarily by granitic and volcanic units which are not typically prone to landslides. However, excavation and grading for the project would potentially trigger rock-falls or shallow soil slides.

The project would be located on the Rositas-Orita-Carrizo-Aco (s994) soil association; other soil associations may be present as well (CPUC, 2008). This soil association includes very deep soils formed in eolian deposits and mixed alluvium. Soil types include: fine sand, loamy sand, gravelly fine sandy loam, extremely gravelly sand; and sandy loam and may include local areas of desert pavement and desert varnish. The hazard erosion of the soil is slight to moderate, with a low to moderate shrink/swell (expansive) potential, and a high risk of corrosion to uncoated steel and low to moderate risk of corrosion to concrete.

Approximately one to ten active mineral claims have been made at the project site (BLM, 2009d). No oil, gas, or geothermal fields are located in the vicinity of the project (DOGGR, 2009). There is little to no potential for the project to impact petroleum or geothermal resources.

The project would be approximately five miles west of the Yuha Wells Fault and the Laguna Salada Fault (CPUC, 2008). The Yuha Wells fault is a fairly recently mapped northeast-southwest trending fault which offsets the Laguna Salada fault from the main trace of the Elsinore fault. The project site would be less than one mile south of the Elsinore Fault zone. This portion of the Elsinore fault is within an Alquist-Priolo zone. Peak ground acceleration at the project site would be between 0.3g to 0.5g.

5.2.1.6.1 Potential Impacts

Site Monitoring and Testing. Impacts during monitoring and testing tend to be limited and temporary due to the limited development, excavation activities, and road construction activities. Some clearing and grading may be required but it is unlikely that major road construction would be required. As such, it is unlikely that the activities would activate geologic hazards or increased soil erosion (BLM, 2005).

Site Construction. Activities during construction that may impact geologic resources include clearing, excavating, blasting, trenching, grading, and heavy vehicle traffic. Potential mining for sand, gravel, and/or quarry stone would disturb the land surface and potentially lead to soil erosion. Construction and operation of the project could be impacted by landslide, rock falls, and groundshaking due to earthquakes. Active earthquakes could also trigger landslides during heavy precipitation conditions.

Soil erosion would likely occur due to ground surface disturbance which could lead to degradation of water quality in nearby surface water bodies. Activities that would contribute to soil erosion include ground disturbance at wind tower pads, access roads, staging areas, lay-down areas, and at other on-site structures. Use of heavy equipment could disturb or destroy soil conditions, and construction activities could disturb stormwater runoff patterns (BLM, 2005).

Site Operation and Decommissioning. Few impacts to geologic resources and soil erosion would be expected during project operation especially if appropriate mitigation had been implemented during construction. Soil erosion could occur during maintenance of the project due to vehicle traffic.

5.2.1.7 WATER RESOURCES

The Ocotillo Express Wind Project would be located on the Coyote Wells Valley Groundwater Basin. The Coyote Wells Valley groundwater basin are EPA-designated Sole Source Aquifers. This means the aquifer supplies more than 50% of a community's drinking water. Any project which is financially assisted by federal grants or federal loan guarantees, and which has the potential to contaminate a sole source aquifer, should be modified to reduce or eliminate the risk (USEPA, 2009).

The Coyote Wells Groundwater Basin, located near the international border with Mexico in the western Yuha Desert west of Imperial Valley, is in unconsolidated sediment up to 650 feet thick.

Water bearing zones are mostly 100 to 300 feet below ground surface. Unconfined shallow groundwater exists in parts of the basin, but the quality of the water is poor. Natural fluoride levels in some wells are as high as 3.5 mg/L (CDWR, 2004).

The Palm Canyon Wash and Meyer Creek cross the project site in addition to several unnamed washes.

5.2.1.7.1 Potential Impacts.

A wind energy project can impact surface water and groundwater in several different ways, including the use of water resources, changes in water quality, alteration of the natural flow system, and the alteration of interactions between the groundwater and surface water.

Site Monitoring and Testing. Impacts during site monitoring and testing would be expected to be limited because few new access roads would be needed, and on-site activities would be limited and temporary. Little water would likely be used during this phase of development and would potentially be trucked in from off site. Impacts to water resources, local water quality, water flows, and surface water/groundwater interactions are expected to be negligible to small, unless extensive excavation or road construction occurs.

Site Construction. A number of construction activities would require water use including water used for dust control, water used for making concrete, and water used by the construction crew. Construction activities would also have the potential to impact water quality due to increased soil erosion due to ground disturbing activities, weathering of exposed soil or spoils from foundation excavation which could release chemical through oxidation, discharges of wastewater or sanitary water, and pesticide application (BLM, 2005).

Construction activities could also lead to the disruption of natural surface water and groundwater flow systems should surface water be diverted on site or off site by access road systems or storm water control systems. This could also impact groundwater flow.

Site Operation. Few impacts are expected during operation because minimal ground disturbance would be expected and minimal water use would be required.

5.2.1.8 AIR QUALITY

The Imperial County portion of the Salton Sea Air Basin is administered by the Imperial County Air Pollution Control District (ICAPCD). Ambient air quality is characterized in terms of the “criteria air pollutants,” which refer to a group of pollutants for which regulatory agencies have adopted ambient standards and region-wide pollution reduction plans. Criteria air pollutants include ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter, and lead. Volatile organic compounds (VOC) or reactive organic gases (ROG) and nitrogen oxides (NO_x) are also regulated as criteria pollutants because they are precursors to ozone formation. Certain VOCs also qualify as toxic air contaminants. Two subsets of particulate matter are inhalable particulate matter less than ten microns in diameter (PM₁₀) and fine particulate matter less than 2.5 microns in diameter (PM_{2.5}). Sulfur oxides (SO_x) and NO_x are also precursors to particulate matter formation in the atmosphere.

Air quality is determined by measuring ambient concentrations of criteria pollutants, which are air pollutants for which acceptable levels of exposure can be determined and for which standards have been set. The degree of air quality degradation is then compared to the current National and California Ambient Air Quality Standards (NAAQS and CAAQS). Because of unique meteorological conditions in California, and because of differences of opinion by medical panels established by CARB and the U.S. EPA, there is diversity between State and federal standards currently in effect in California. In general, the CAAQS are more stringent than the corresponding NAAQS. Table XX shows the standards currently in effect in California.

Air quality standards are designed to protect those people most susceptible to respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and people engaged in strenuous work or exercise, including outdoor recreational activity.

Table XX. National and California Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards
Ozone	1-hour	0.09 ppm	—
	8-hour	0.07 ppm	0.075 ppm
PM10	24-hour	50 µg/m ³	150 µg/m ³
	Annual	20 µg/m ³	—
PM2.5	24-hour	—	35 µg/m ³
	Annual	12 µg/m ³	15 µg/m ³
CO	1-hour	20 ppm	35 ppm
	8-hour	9.0 ppm	9.0 ppm
NO ₂	1-hour	0.18 ppm	—
	Annual	0.030 ppm	0.053 ppm
SO ₂	1-hour	0.25 ppm	—
	24-hour	0.04 ppm	0.14 ppm
	1-year	—	0.03 ppm
Visibility-Reducing Particles	8-hour	Extinction coefficient 0.23/km, visibility of 10 miles due to particles when relative humidity < 70%	—

Notes: ppm=parts per million; µg/m³= micrograms per cubic meter; "—" = no standard
Source: CARB Ambient Air Quality Standards Table, September 2009

Each geographic area is designated by either the U.S. EPA or CARB as a nonattainment area if violations of the ambient air quality standards are persistent. Imperial County is classified as a nonattainment area for the State ozone standard, and like nearly every other area in the State of California, it is a nonattainment area with respect to the PM10 CAAQS. Since 1994, the U.S. EPA has found Imperial Valley to be in serious nonattainment for PM10. Federal PM2.5 standards are relatively recent, and although there is insufficient data to determine attainment status of the air basin as a whole under the federal PM2.5 standards, the City of Calexico is designated nonattainment for State-level CO and PM2.5. A summary of the attainment status within the

project area is provided below. The attainment status of San Diego is provided for informational purposes as the project would be adjacent to San Diego County and the San Diego Air Basin, administered by the San Diego Air Pollution Control District.

Table YY. Attainment Status of Project Area Air Basins

Air Basin	Ozone		PM10		PM2.5		CO		NO ₂		SO ₂	
	State	Federal	State	Federal	State	Federal	State	Federal	State	Federal	State	Federal
Salton Sea, Imperial County	N	N (Marginal)	N	N (Serious)	U/A	U/A	A	A	A	A	A	A
San Diego County	N	N (Subpart 1)	N	U/A	N	U/A	A	A	A	A	A	A

Note: A = Attainment of Ambient Air Quality Standards; U/A = Unclassified/Attainment; N = Nonattainment.
 "Subpart1" areas are subject to general, less-prescriptive requirements than "classified" nonattainment areas.
 Source: CARB, 2006 (<http://www.arb.ca.gov/desig/desig.htm>) and U.S. EPA, 2009 (<http://www.epa.gov/region09/air/>).

5.2.1.9 SALTON SEA AIR BASIN

The Imperial County Air Pollution Control District is the primary agency responsible for planning, implementing, and enforcing federal and State air quality standards in Imperial County. The following rules and regulations apply to all sources in the jurisdiction of ICAPCD:

- ICAPCD Regulation II – Rule 202, Exemptions. Portable equipment holding a valid registration under the Statewide Portable Equipment Registration Program is not required to obtain a permit from the ICAPCD.
- ICAPCD Regulation IV – Rule 401, Opacity of Emissions. Prohibits any activity causing emissions dark or darker in shade as that designated as Number 1 on the Ringlemann Chart (20 percent opacity) for a period or periods aggregating more than three minutes in any hour.
- ICAPCD Regulation IV – Rule 407, Nuisances. Prohibits any activity that emits pollutants which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.
- ICAPCD Regulation VIII – Rule 800, General Requirements for Control of Particulate Matter. Limits emissions from construction and earthmoving activities (Rule 801). Requires dust control along unpaved access roads and unpaved staging areas or yards (Rule 805), for handling of materials (Rule 802), and for any material deposited on a paved surface (Rule 803). Dust control plans must be filed and approved by the ICAPCD.

Air Quality Management Plans. The ICAPCD established an attainment plan for PM10 in 1993 (PM10 SIP) and updated the plan in 2005 with the Regulation VIII rules that include the "best available control measures" for control of windblown particulate matter and particulate matter from travel on unpaved roads across Imperial County. The ICAPCD also oversees a Natural Events Action Plan that allows the ICAPCD to document and take into account high PM10 concentrations caused by qualified natural events, such as windstorms and wildfires. The

Regulation VIII Rules and the Natural Events Action Plan are part of the regional plan to comply with PM10 standards. ICAPCD also maintains and implements an ozone attainment plan that depends on the CARB's SIP to achieve reductions of ozone precursors from mobile sources.

5.2.1.9.1 Potential Impacts

Site Monitoring and Testing. Activities that would generate dust and emissions during site monitoring and testing include worker and equipment vehicle travel on access and site roads to carry towers, worker vehicle travel for routine maintenance, brush clearing at tower sites, and erection of the meteorological towers (BLM, 2005). Such activities would generate fugitive dust from road travel and clearing and tailpipe emissions from vehicular exhaust.

Site Construction. Prior to construction permits from local air quality agencies would potentially be required. Activities that would generate dust and emissions during construction include 1) clearing and grade alterations for site access, 2) foundation excavations and installations, 3) wind turbine erection, and 4) miscellaneous ancillary construction. Emissions from vehicle traffic and delivery traffic are likely to occur during each of these phases. Construction equipment emissions would generate fugitive dust from vehicle travel and movement and transportation of soil. Use of onsite power from diesel generators for the batch plant and other equipment would also result in emissions. Concrete batching would produce fugitive particles associated with mixing of concrete and the storage piles associated with the concrete batching.

Site Operation. Operation of the Ocotillo Express Wind project would be unlikely to adversely impact air quality. Operation of the wind turbines would not produce direct emissions. Minor VOC emissions would occur during routine changes of lubricants and cooling fluids and grease. Other minor emissions would be generated by road travel, vehicular exhaust, and brush clearing.

5.2.1.10 TRANSPORTATION

The Ocotillo Express Wind project would be reached via Interstate 8, County Highway S2, and State Route 98. A number of BLM rough bladed or two-tracked surface roads cross the project site. The San Diego and Arizona Eastern Railway (SD&AE), owned by the San Diego Metropolitan Transit System, would cross the project site. This line connects with the Santa Fe Railway.

5.2.1.10.1 Potential Impacts

Site Monitoring and Testing. It is likely that activities would be limited to low volumes of heavy-duty and medium duty trucks and personal vehicles. It is unlikely that existing roads would be impacted although some new access roads may be required depending on the tower locations.

Site Construction. Movement of equipment and materials to the site during construction would cause an increase in the level of service of the roadways. Most equipment would likely remain on site for the duration of the construction activities (BLM, 2005).

Shipments of oversized and overweight loads could cause temporary disruptions to secondary and primary roads used to access the construction site. Because of the anticipated weight of the

turbine components and electrical transformers that would be brought to the site, maximum grade becomes a critical road design parameter. Turbine components would likely require permitting of oversized loads.

Site Operation. Limited to low volumes of heavy-duty and medium duty trucks and personal vehicles would likely be used during operation. Some large turbine components would potentially be required for equipment replacement; however, this is expected to be infrequent.

5.2.1.11 SITE DECOMMISSIONING. AS WITH SITE CONSTRUCTION, OVERSIZED AND OVERWEIGHT LOADS ARE EXPECTED DURING SITE DECOMMISSIONING DUE TO THE NEED FOR REMOVAL OF THE TURBINE COMPONENTS. HEAVY EQUIPMENT AND CRANES WOULD BE REQUIRED.

5.2.1.12 TRANSPORTATION

The Ocotillo Express Wind project would be reached via Interstate 8, County Highway S2, and State Route 98. A number of BLM rough bladed or two-tracked surface roads cross the project site. The San Diego and Arizona Eastern Railway (SD&AE), owned by the San Diego Metropolitan Transit System, would cross the project site. This line connects with the Santa Fe Railway.

5.2.1.12.1 Potential Impacts

Site Monitoring and Testing. It is likely that activities would be limited to low volumes of heavy-duty and medium duty trucks and personal vehicles. It is unlikely that existing roads would be impacted although some new access roads may be required depending on the tower locations.

Site Construction. Movement of equipment and materials to the site during construction would cause an increase in the level of service of the roadways. Most equipment would likely remain on site for the duration of the construction activities (BLM, 2005).

Shipments of oversized and overweight loads could cause temporary disruptions to secondary and primary roads used to access the construction site. Because of the anticipated weight of the turbine components and electrical transformers that would be brought to the site, maximum grade becomes a critical road design parameter. Turbine components would likely require permitting of oversized loads.

Site Operation. Limited to low volumes of heavy-duty and medium duty trucks and personal vehicles would likely be used during operation. Some large turbine components would potentially be required for equipment replacement; however, this is expected to be infrequent.

Site Decommissioning. As with site construction, oversized and overweight loads are expected during site decommissioning due to the need for removal of the turbine components. Heavy equipment and cranes would be required.

5.2.1.13 HAZARDOUS MATERIALS AND WASTE MANAGEMENT IMPACTS

A limited amount of hazardous material may be used in the construction and operation of the Ocotillo Express Wind Energy project. These may include cleaning fluids, fuels, and lubricants. These would require appropriate storage, use, and disposal. In addition, soiled rags and similar applicators and clean up materials would require disposal. Except for the possibility of illegal disposal, the site is not expected to have any existing contamination. [This would be confirmed through a Phase 1 Environmental Site Assessment]. The nearest sensitive receptors are located south of the northeastern portion of the project site in Ocotillo and east of the southeast portion of the project in Coyote Wells.

Packaging materials are expected to be the major solid waste generated during construction. Except for parts packaging, operational waste would be minor and similar to household waste.

The closest landfills to the project include (CIWMB, 2007):

- Allied Imperial Landfill (104 East Robinson Road) that allows a maximum permitted throughput of 1,135 tons/day and has a remaining capacity of 2,105,500 cubic yards
- Imperial Solid Waste Site (1705 West Worthington Road) that allows a maximum permitted throughput of 207 tons/day and has a remaining capacity of 183,871 cubic yards

5.2.1.13.1 Potential Impacts

The use, storage, and disposal of hazardous materials and waste associated with a typical wind energy project could result in potential adverse health and environmental impacts associated with improper management of these materials. Hazardous materials likely to be used include fuels (gasoline, diesel fuel, etc.), lubricants, cleaning solvents, paints, pesticides, and potentially explosives. In general, most potential impacts are associated with the release of these materials to the environment, which could occur if the materials are improperly used, stored, or disposed of. Direct impacts of such releases could include contamination of vegetation, soil, and water, which could result in indirect impacts to human and wildlife populations.

Compliance with all applicable federal and state regulations regarding notices to federal and local emergency response authorities and development of applicable emergency response plans are required for hazardous materials when quantities on hand exceed amounts specified in regulations.

Solid wastes produced during construction of a wind energy development project would include containers, dunnage and packaging materials for turbine components, and miscellaneous wastes associated with assembly activities (BLM, 2005). Solid wastes resulting from the presence of the construction work crews would include food scraps and other putrescible wastes. Solid wastes produced during the operational phase would be very limited and consist primarily of office-related wastes generated at the control facility and food wastes from the maintenance crews who might be present on the site during business hours. All such wastes are expected to be nonhazardous, and typically they are containerized on site and periodically removed by commercial haulers to existing off-site, appropriately permitted disposal facilities.

During decommissioning, substantial quantities of solid wastes and industrial wastes could result from dismantlement of a wind energy project. Fluids drained from turbine drivetrain components (e.g., lubricating oils, hydraulic fluids, coolants) are likely to be similar in chemical composition to spent fluids removed during routine maintenance and would be managed in the same manner as analogous maintenance-related wastes. Tower segments are expected to be stored on site for a brief period and eventually sold as scrap. Likewise, turbine components (emptied of their fluids) may have some salvage value. Recycling turbine components would diminish any impacts created by solid wastes during decommissioning. Electrical transformers are expected to be removed from the site and available for other applications elsewhere (in most cases, without the need for removing dielectric fields). Substantial amounts of broken concrete from tower and building foundations as well as rock or gravel from on-site roads or electrical substations would also result from decommissioning. All such materials are expected to be salvageable for use in road-building or bank stabilization projects. Miscellaneous materials without salvage value are expected to be nonhazardous and should be removed from the site by a licensed hauler and delivered to appropriately permitted disposal facilities.

5.2.1.14 HEALTH AND SAFETY IMPACTS

The Ocotillo Express Wind project would be located in an open space area. The project would be located south of several large quarries in the southern foothills of the Coyote Mountains, and would be located approximately eight miles west of the large gypsum sheetrock manufacturing plant in Plaster City. The project would be located approximately two miles west of the proposed Stirling Engine System Solar Two, LLC solar thermal plant. The nearest sensitive receptors are located immediately south of the northeastern portion of the project site in Ocotillo and east of the southeast portion of the project in Coyote Wells.

Construction using heavy equipment and bulky materials can pose safety risks to workers. Maintenance of these facilities, including elements high off the ground and having moving parts, can also pose risks. Risks to public health and safety generally include risks associated with major construction sites, rare tower failures, human-caused fire, EMF exposure, aviation safety interference, EMI, low-frequency sound, and shadow flicker.

5.2.1.14.1 Potential Impacts

According to the BLM Wind EIS, one of the primary safety hazards of wind turbines occurs if a rotor blade breaks and parts are thrown off. This could occur as a result of rotor overspeed, although such an occurrence has been extremely rare and happens mostly with older and smaller turbines. The difficulty of predicting the trajectory of a broken rotor blade makes the quantitative determination of safety risk very uncertain. However, it is known that these types of events are very rare and the probability of a fragment hitting a person is even lower. With proper engineering design and quality control, blade throw should rarely occur.

5.3 DESIGN CRITERIA (MITIGATION MEASURES) PROPOSED BY APPLICANT AND INCLUDED IN POD

5.3.1 FACILITY COMMITMENTS

- Alternate Turbine Locations - 244 potential turbine locations will be analyzed, but a range of sites will be developed, allowing selection of the best wind sites and avoidance of environmentally sensitive areas.
- Use of Tubular Conical Steel Turbine Towers - Tubular towers do not provide locations for raptors to perch, decreasing risk of collisions with turbine blades.
- Underground Collection System - Reduces the visual impact of overhead transmission as well as the potential impact to avian and bat species from collisions.
- Setbacks - Turbines will be set back from public roads at least 1.1x total turbine height and will be setback 1.5x total turbine height from any property lines and ROW boundary.

5.3.2 CONSTRUCTION COMMITMENTS

- Best Management Practices (BMPs) - For example, construction vehicle movement within the project boundary would be restricted to pre-designated access, contractor-required access, or public roads. In construction areas where ground disturbance is unavoidable, surface restoration would consist of returning disturbed areas back to their natural contour (if feasible), reseeding with native seed mix. A full list of BMPs will be developed and included in the COM Plan.
- A Transportation Plan shall be developed, particularly for the transport of turbine components, main assembly cranes, and other large pieces of equipment. The plan shall consider specific object sizes, weights, origin, destination, and unique handling requirements and shall evaluate alternative transportation approaches. In addition, the process to be used to comply with unique state requirements and to obtain all necessary permits shall be clearly identified.
- A Traffic Management Plan shall be prepared as part of the Transportation Plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan shall incorporate measures such as informational signs, flaggers when equipment may result in blocked throughways, and traffic cones to identify any necessary changes in temporary lane configuration. Additionally, SVW will consult with local planning authorities regarding increased traffic during the construction phase, including an assessment of the number of vehicles per day, their size, and type. Specific issues of concern (e.g., location of school bus routes and stops) shall be identified and addressed in the traffic management plan.

5.3.3 RESOURCE CONSERVATION MEASURES

- Direct avoidance of any eligible cultural resources, to the extent feasible. Applicant intends to develop a cultural resource monitoring and mitigation plan prior to the start of construction that will include a procedure for identifying areas to be monitored during construction and that will ensure qualified archaeological monitors are used to carry out this task. A discovery plan, which may be part of the cultural resource monitoring and mitigation plan, may be part of the proposed mitigation. Construction workers will be educated about the importance of preserving significant cultural properties, and a process will be established for them to report and protect suspected discoveries. Curation will be arranged for any archaeological materials collected.

- Wildlife Mitigation and Monitoring Plan – The BLM El Centro Field is currently preparing wind energy protocol in coordination with other agencies. If the El Centro BLM wind energy protocol is not complete, an individual plan specific to Ocotillo Express would be prepared as part of the COM plan. The plan would detail initial mitigation requirements and an adaptive mitigation plan using a tiered approach that details post-construction monitoring requirements and utilizes those findings to implement necessary levels of mitigation. The plan would be based on avian/bat mortality assessments and be designed and implemented in coordination with the BLM and other appropriate agencies. Additionally, available BMP's and guidelines for mitigating impacts of wind energy development to migratory birds and bats will be used to develop mitigation measures. The wildlife mitigation and monitoring plan will also use the FTHL conservation agreement and strategy to develop applicable measures.
- Survey all proposed ground disturbing activities in sensitive habitat areas utilizing the appropriate protocol.
- Facilities shall be designed to discourage their use as perching or nesting substrates by birds. For example, power lines and poles shall be configured to minimize raptor electrocutions and discourage raptor and raven nesting and perching.
- Migratory Birds - If construction is planned during migratory periods, migratory bird clearance surveys would be conducted. Evidence of active nests or nesting will be reported immediately to the BLM to determine appropriate minimization measures (i.e. avoidance buffer), on a case-by-case basis.
- Develop a storm water management plan for the site to ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion.
- Restoration Plan – A plan would be prepared as part of the COM plan. The plan would describe restoration methods and requirements for temporary disturbance areas.
- For soil disturbing actions which will require reclamation, salvage and stockpile all available growth medium prior to surface disturbances. Seed stock piles if they are to be left for more than one growing season. Re-contour all disturbance areas to blend as nearly as possible with the natural topography prior to re-vegetation. Rip all compacted portions of the disturbance to an appropriate depth based on site characteristics. Establish an adequate seed bed to provide good seed to soil contact.
- Do not allow bristlecone pine, limber pine, or swamp cedar to be harvested except for education, scientific, research purposes.
- Develop a plan for control of noxious weeds and invasive species, which could occur as a result of new surface disturbance activities at the site. The plan shall address monitoring, education of personnel on weed identification, the manner in which weeds spread, and methods for treating infestations. The use of certified weed-free mulching shall be required. If trucks and construction equipment are arriving from locations with known invasive vegetation problems, a controlled inspection and cleaning area shall be established to visually inspect construction equipment arriving at the project area and to remove and collect seeds that may be adhering to tires and other equipment surfaces.
- If pesticides are used on the site, an integrated pest management plan shall be developed to ensure that applications would be conducted within the framework of BLM and DOI policies and entail only the use of EPA-registered pesticides approved for use in BLM's Record of Decision: Vegetation Treatments Using Herbicides (Sept. 2007), as supported by the FEIS for Vegetation Treatments Using Herbicides (June 2007). Pesticide use shall

be limited to non-persistent, immobile pesticides and shall only be applied in accordance with label and application permit directions and stipulations for terrestrial and aquatic applications.

- All straw, hay, straw/hay, or other organic products used for reclamation or stabilization activities must be certified that all materials are free of plant species listed on the California noxious weed list or specifically identified by the El Centro Field Office. Inspections will be conducted by a weed scientist or qualified biologist.
- Where appropriate, vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; for emergency fire suppression; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. Vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Vehicles used for emergency fire suppression will be cleaned as a part of check-in and demobilization procedures. Cleaning efforts will concentrate on tracks, feet or tires, and on the undercarriage. Special emphasis will be applied to axles, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the El Centro District Office Weed Coordinator or designated contact person.
- Prior to the entry of vehicles and equipment to a planned disturbance area, a weed scientist or qualified biologist will identify and flag areas of concern. The flagging will alert personnel or participants to avoid areas of concern.
- To minimize the transport of soil-borne noxious weed seeds, roots, or rhizomes, infested soils or materials will not be moved and redistributed on weed-free or relatively weed-free areas. In areas where infestations are identified or noted and infested soils, rock, or overburden must be moved, these materials will be salvaged and stockpiled adjacent to the area from which they were stripped. Appropriate measures will be taken to minimize wind and water erosion of these stockpiles. During reclamation, the materials will be returned to the area from which they were stripped.

5.4 RESOURCES

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- Flat-Tailed Horned Lizard Interagency Coordinating Committee. 2003. Flat-Tailed Horned Lizard Range-wide Management Strategy, 2003 Revision. An Arizona-California Conservation Strategy. May.
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6.0 MAPS AND DRAWINGS

6.1 MAPS WITH FOOTPRINT OF WIND FACILITY (7.5 MIN TOPOGRAPHIC MAPS OR EQUIVALENT TO INCLUDE REFERENCES TO PUBLIC LAND SURVEY SYSTEM)

Figure 6.1-1. Project Area Facility Layout

Figure 6.1-2. Typical Use Areas

***6.2 INITIAL DESIGN DRAWINGS OF WIND FACILITY LAYOUT AND INSTALLATION,
ELECTRICAL FACILITIES, AND ANCILLARY FACILITIES.***

Figure 6.2-1. Site Layout

6.2-2. Road and Turbine Details

Figure 6.2-3. Operational Diagram

Figure 6.2-4. Plan View

6.3 INITIAL SITE GRADING PLAN

Insert Grading Plan

**6.4 *MAPS WITH TRANSMISSION FACILITIES, SUBSTATIONS, DISTRIBUTION,
COMMUNICATIONS***

See Section 6.2 Figures

6.5 *ACCESS AND TRANSPORTATION MAPS*

See Figure 6.1-1.

**6.6 PRELIMINARY VISUAL RESOURCE EVALUATION AND VISUAL RESOURCE
SIMULATIONS**

Photographic visual simulations of the proposed project as it would appear from several KOPs are being prepared to assist with the visual contrast rating analysis.

REFERENCES

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BLM. 1992. BLM Handbook 8400 – Visual Resource Management.

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APPENDIX A LEGAL DESCRIPTION

Exhibit
A
Right-Of-Way
Legal Land Descriptions of Project Area

	Township 16 South	Range 9 East	
	section 17		
Track			Project Total-
40	lot 3	13.86	14980.88
	lot 4	40.00	
	lot 5	26.22	
	lot 6	13.78	
	lot 7	13.78	
	lot 8	26.22	
	lot 9	40.00	
	lot 10	13.81	
		187.67	
	section 18		
	lots 7,8,9, (40 acres ea)	120.00	
	lot 10	17.78	
	lot 11	17.69	
	lot 12, 13, 14 (40 acres ea)	120.00	
	lots 17,18,19,20,21 (40 acres ea)	200.00	
	lot 22	18.06	
	lot 23	18.53	
	lots 24,25,26,27,28 (40 acres ea)	200.00	
	SE1/4	160.00	
		872.06	
	section 19		
	lot 7	13.74	
	lot 8	40.00	
	lot 9	40.00	
	lot 10	40.00	
	lot 11	40.00	
	lot 12	40.00	
	lot 13	18.28	
	lot 14	17.79	

	Lot 15	40.00
	lot 16	40.00
	lot 17	40.00
	lot 18	40.00
	lot 19	40.00
	lot 20	13.70
	lot 25	13.66
	lot 26	40.00
	lot 27	40.00
	lot 28	40.00
	lot 29	40.00
	lot 30	40.00
	lot 31	17.29
	lot 32	16.78
	lot 33	40.00
	lot 34	40.00
	lot 35	40.00
	lot 36	40.00
	lot 37	40.00
	lot 38	13.62
Track		
41	lot 5	40.00
	lot 6	26.26
Track		
42	lot 21	26.30
	lot 22	40.00
Track		
43	lot 23	40.00
	lot 24	26.34
	lot 39	26.38
	lot 40	40.00
		<hr/>
		1190.14
	section 20	
Track		
41	lot 7	13.76
Track		
42	lot 8	13.72
Track		
43	lot 19	13.68
	lot 20	13.64
Track		
44	lot 16	13.74
	lot 17	40.00
	lot 18	26.32

	lot 21	26.36
	lot 22	40.00
	lot 23	13.70
Track 45	lot 4	13.82
	lot 5	40.00
	lot 6	26.24
	lot 9	26.28
	lot 10	40.00
	lot 11	13.78
Track 46	lot 2	13.88
	lot 3	26.18
Track 47	lot 1	26.12
	lot 12	26.22
	lot 13	40.00
	lot 14	40.00
	lot 15	26.26
	lot 24	26.30
	lot 25	40.00
		<hr/>
		640.00
	section 21	
Track 47	lot 6	13.84
	lot 7	13.80
	lot 18	13.76
	lot 19	13.72
Track 48	lot 3	13.77
	lot 4	40.00
	lot 5	26.16
	lot 8	26.20
	lot 9	40.00
	lot 10	13.75
	lot 15	13.73
	lot 16	40.00
	lot 17	26.24
	lot 20	26.28
	lot 21	40.00
	lot 22	13.71
Track 49	lot 1	40.00
	lot 2	26.23

	lot 11	26.25
	lot 12	40.00
	lot 13	40.00
	lot 14	26.27
		<hr/>
		573.71
	Section 22	
Track		
49	lot 6	13.70
	lot 7	13.70
	lot 18	13.70
Track		
50	lot 3	13.78
	lot 4	40.00
	lot 5	26.30
	lot 8	26.30
	lot 9	40.00
	lot 10	13.78
	lot 15	13.78
	lot 16	40.00
	lot 17	26.30
	lot 20	26.30
	lot 21	40.00
	lot 22	13.78
Track		
51	lot 1	40.00
	lot 2	26.22
	lot 11	26.22
	lot 12	40.00
Track		
52	C	40.00
	D	40.00
	E	40.00
	F	40.00
		<hr/>
		653.86
	section 23	
	E1/2E1/2	160.00
	lot 1	26.60
	lot 8	26.54
	lot 9	26.46
	lot 16	26.40
Track		
51	lot 2	13.40

	lot 3	40.00
	lot 4	40.00
	lot 5	40.00
	lot 6	40.00
	lot 7	13.46
Track 52	A	40.00
Track 52	H	40.00
		532.86
	section 24	
	lot 1	23.41
	lot 4	14.12
	lot 5	14.00
	lot 8	23.39
Track 53	lot 2	16.59
	lot 3	25.88
	lot 6	26.00
	lot 7	16.61
	N1/2	320.00
	SW1/4	160.00
		640.00
	section 25	
	lot 1	16.61
	lot 2	26.12
	lot 3	13.88
	lot 4	13.78
	lot 5	26.24
	lot 6	16.62
		113.25
	section 27	
	lot 20	26.33
	lot 21	40.00
	lot 22	13.71
		80.04
	section 28	
	lot 13	40
	lot 14	26.34
	lot 15	13.66

	lot 16	26.34
	lot 19	13.66
	lot 20	13.65
	lot 23	26.35
	lot 24	13.65
	lot 25	26.35
	lot 26	40
Track		
59	lot 3	13.69
	lot 4	40.00
	lot 5	26.31
	lot 8	26.32
	lot 9	40.00
	lot 10	13.68
track 60	lot 17	13.66
	lot 18	26.34
	lot 21	26.35
	lot 22	13.65
Track		
61	lot 6	13.69
	lot 7	13.68
		<hr/>
		507.37
	section 29	
	lot 3	13.67
	lot 4	13.67
	lot 9	13.65
	lot 10	13.65
	W1/2	320.00
Track		
61	lot 1	40.00
	lot 2	26.33
	lot 5	26.33
	lot 6	40.00
	lot 7	40.00
	lot 8	26.35
	lot 11	26.35
	lot 12	40.00
		<hr/>
		640.00
	section 30	
	lot 5	40.00
	lot 6	40.00
	lot 7	40.00

lot 8	40.00
lot 9	40.00
lot 10	16.32
lot 11	15.87
lot 12	40.00
lot 13	40.00
lot 14	40.00
lot 15	40.00
lot 16	40.00
lot 17	40.00
lot 18	40.00
lot 19	40.00
lot 20	40.00
lot 21	40.00
lot 22	15.43
lot 23	15.00
lot 24	40.00
lot 25	40.00
lot 26	40.00
lot 27	40.00
lot 28	40.00
NE1/4	160.00
SE1/4	160.00
	<hr/>
	1182.62

section 31	
lot 1	40.00
lot 2	40.00
lot 3	40.00
lot 4	40.00
lot 5	40.00
lot 6	14.92
lot 7	14.87
lot 8	40.00
lot 9	40.00
lot 10	40.00
lot 11	40.00
lot 12	40.00
lot 13	40.00
lot 14	40.00
lot 15	40.00
lot 16	40.00
lot 17	40.00

	lot 18	15.03
	lot 19	15.08
	lot 20	40.00
	lot 21	40.00
	lot 22	40.00
	lot 23	40.00
	lot 24	40.00
	E1/2E1/2	320.00
		1179.90
	section 32	
	lot 3	13.57
	lot 4	13.51
	lot 9	13.28
Track 62	lot 1	40.00
	lot 2	26.43
	lot 5	26.49
	lot 6	13.42
Track 63	lot 7	26.58
	lot 8	26.72
	W1/2	320.00
	S1/2SE1/4	80.00
	NW1/4SE1/4	<u>40.00</u>
		640.00
	section 33	
	lot 3	13.57
	lot 4	26.43
	lot 5	13.57
	lot 6	40.00
	lot 9	26.58
	lot 10	13.42
	lot 13	26.72
	lot 18	13.13
	lot 22	26.87
Track 63	lot 7	40.00
	lot 8	13.42
	lot 14	13.28
	lot 15	40.00
	lot 16	40.00
	lot 17	40.00
	lot 19	26.87

	lot 20	40.00
Track 64	lot 11	26.58
	lot 12	40.00
Track 65	lot 1	40.00
	lot 2	26.43
	SW1/4SW1/4	40.00
		626.87
	section 34	
	lot 3	13.62
	lot 4	40.00
	lot 5	40.00
	lot 6	13.55
Track 66	lot 7	26.45
	lot 8	40.00
	lot 9	13.46
Track 67	lot 1	40.00
	lot 2	26.38
	lot 10	26.54
	lot 11	40.00
		320.00
	Township 16 South	Range 10 East
	section 19	
	lot 3	40.04
	lot 4	40.03
	lot 5	40.03
	lot 6	40.02
	lot 7	32.62
	lot 8	7.39
	lot 9	32.30
	lot 10	7.70
	NE1/4	160.00
	E1/2NW1/4	80.00
	NE1/4SW1/4	40.00
	N1/2SE1/4	80.00
	SE1/4SE1/4	40.00
		640.13

	section 31		
	lot 15	19.3	
	lot 16	21.8	
	lot 21	22.85	
	lot 22	26.72	
	lot 23	12.77	
Track 64	lot 17	18.2	
	lot 18	22.9	
	SW1/4SW1/4	40	
		184.54	
	Township 17 South		Range 9 East
	section 1		
	lot 5	23.27	to wilderness boundary
	lot 9	30.81	to wilderness boundary
	lot 10	18.48	to wilderness boundary
		72.56	
	section 2		
	lot 8	31.79	South and North of I-8
	N1/2SW1/4NW1/4	9.06	North of I-8
		40.85	
	section 3		
	lot 5	34.50	
	lot 6	34.62	
	lot 7	34.74	
	lot 8	34.86	
	S1/2N1/2, SW1/4, N1/2SE1/4	337.46	North of I-8
		476.18	
	section 4		
	lot 5	34.86	
	lot 6	34.74	
	lot 7	34.62	
	lot 8	34.50	
	S1/2N1/2	160.00	
	S1/2	320.00	
		618.72	
	section 5		
	lot 5	34.43	
	lot 6	34.40	

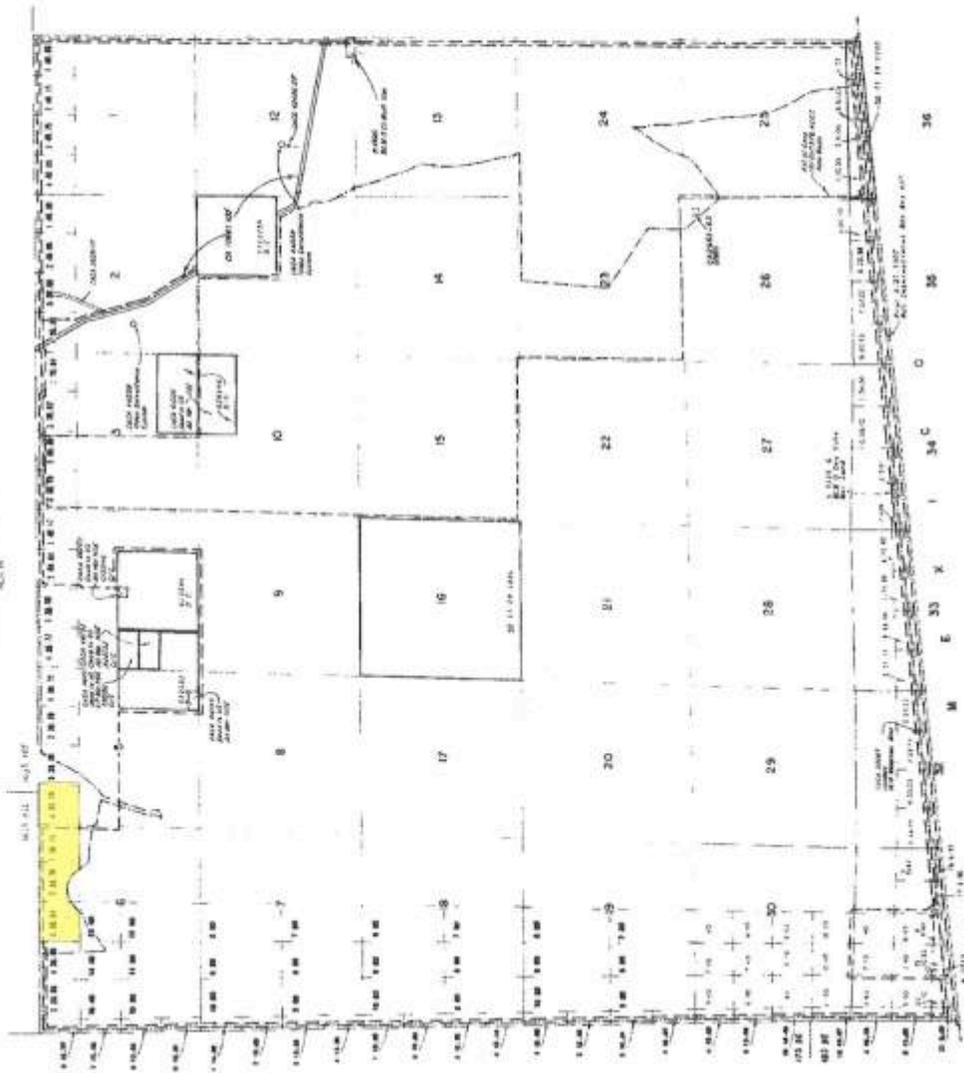
lot 7	34.38	
lot 8	34.35	
S1/2N1/2	160.00	
S/12	320.00	
	<u>617.56</u>	
section 6		
lot 8	34.25	
lot 9	37.49	
lot 10	8.84	
lot 11	8.73	
lot 12	9.13	
lot 13	9.54	
S1/2NW1/4	80.00	
SE1/4	160.00	
	<u>347.98</u>	
section 7		
lot 5	9.94	to big horn sheep critical habitat
N1/2N1/2NE1/4	40.00	to big horn sheep critical habitat
	<u>49.94</u>	
section 8		
N1/2N1/2NE1/4	40.00	
	<u>40.00</u>	
section 9		
N1/2N1/2N1/2	80.00	
	<u>80.00</u>	
section 10		
N1/2N1/2NW1/4	40.00	West of I-8
	<u>40.00</u>	
Township 161/2 South	Range 91/2	
section 1	East	
lot 5	40.00	
lot 6	40.00	
lot 7	40.00	
lot 8	40.00	

S1/2N1/2	160.00	
S1/2	320.00	
	640.00	
section 2		
lot 1	27.90	
lot 2	27.83	
lot 3	2.77	
lot 4	4.00	
lot 5	40.00	
lot 6	40.00	
lot 7	2.70	East of the Wilderness Boundary
S1/2NE1/4, SE1/4	124.06	East of the Wilderness Boundary
	269.26	
Township 16 1/2 South	Range 10 East	
section 6		
lot 2	27.90	
lot 3	27.63	
lot 4	39.66	
lot 5	40.00	
	135.19	
Township 17 South	Range 10 East	
section 5		
lot 4	39.78	
	39.78	
section 6		
lot 1	39.73	North of the Wilderness Boundary
lot 2	31.55	North of the Wilderness Boundary
lot 3	36.56	North of the Wilderness Boundary
	107.84	

APPENDIX B PLAT MAPS

TOWNSHIP 17 SOUTH RANGE 10 EAST OF THE SAN BERNARDINO MERIDIAN, CALIFORNIA

AVENUE COUNTY
E. CON. NO. FIELD OFFICE



STATUS OF PUBLIC RIGHTS
AND MINERAL INTERESTS

M I P I A

SECTION	MINERAL INTERESTS	PUBLIC RIGHTS
2		
3		
4		
5		
6		
7		
8		
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11		
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21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
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32		
33		
34		
35		
36		

Survey conducted on or about 6/11/02, and filed
for record on 6/11/02.
207' 10" within existing Electric Right of Way.
Zone Act of June 30, 1939

Pattern Project Area

Survey conducted on or about 6/11/02, and filed
for record on 6/11/02.
207' 10" within existing Electric Right of Way.
Zone Act of June 30, 1939

Scale 1" = 200'

Map No. 17-10-1
Scale 1" = 200'

Scale 1" = 200'

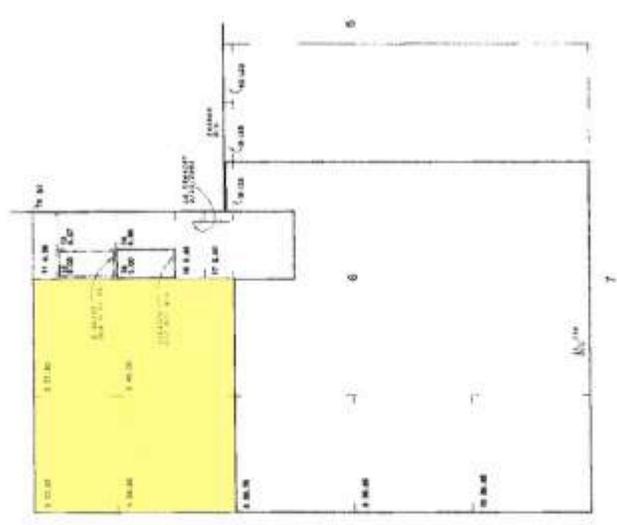
TOWNSHIP 16 1/2 SOUTH RANGE 10 EAST OF THE SAN BERNARDINO MERIDIAN, CALIFORNIA
 STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

IMPERIAL COUNTY
 CALIFORNIA DEPT. OF AG. 2012-13

MTP
 SUPPL. Sec 6

TRACT	ACRES	TO BE RESERVATED TRACTS	REMARKS
1	1.00		
2	1.00		
3	1.00		
4	1.00		
5	1.00		
6	1.00		
7	1.00		
8	1.00		
9	1.00		
10	1.00		
11	1.00		
12	1.00		
13	1.00		
14	1.00		
15	1.00		
16	1.00		
17	1.00		
18	1.00		
19	1.00		
20	1.00		

As to area designated Public Domain, please refer to the map of the project.



THE STATE OF CALIFORNIA
 DEPARTMENT OF AGRICULTURE
 DIVISION OF LAND MANAGEMENT
 1500 STREET 22, SACRAMENTO, CALIFORNIA 95833
 TEL: (916) 227-2800 FAX: (916) 227-2801
 WWW.DLM.CA.GOV



FOR CHECKS PAYEE'S ADDRESS OR USE OF UNRESERVED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PROJECT NO.	1000000000
SECTION	6
TOWNSHIP	16 1/2 S
RANGE	10 E
COUNTY	IMPERIAL
DATE	8/21/2009
BY	
FOR	

TOWNSHIP 16 SOUTH RANGE 10 EAST OF THE SAN BERNARDINO MERIDIAN, CALIFORNIA

IMPERIAL COUNTY
 METRIC: 1/8" = 100' (1:1250)
 1/4" = 200' (1:500)

STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MTP
 SUPPL Sec 19, 20, 21,
 28, 29, 30, 31, 32, 33

SECTION	OWNER	ACRES
19	Public Domain	3600
20	Public Domain	3600
21	Public Domain	3600
28	Public Domain	3600
29	Public Domain	3600
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31	Public Domain	3600
32	Public Domain	3600
33	Public Domain	3600

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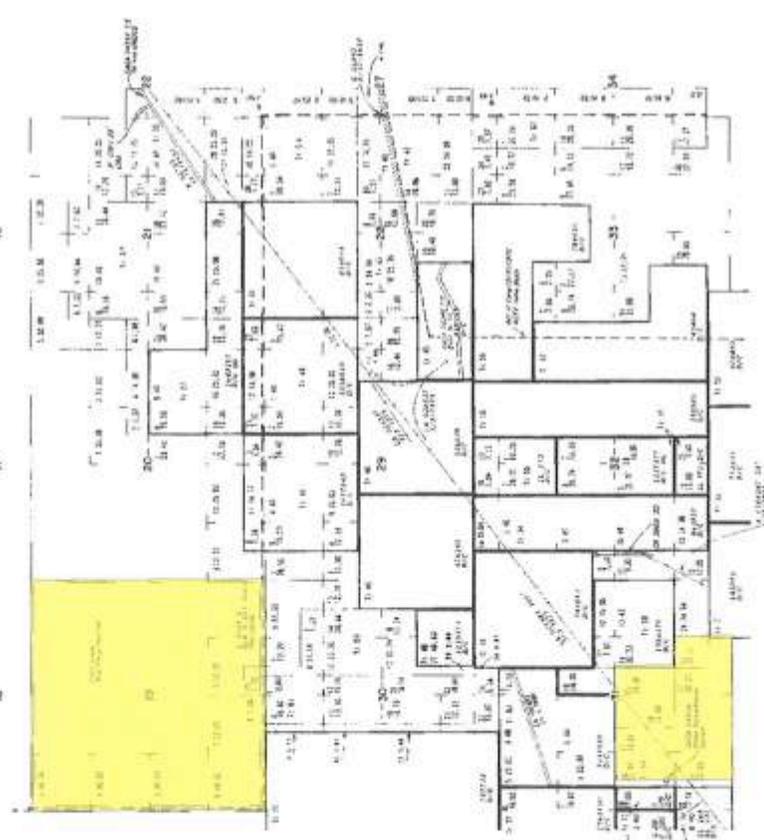
96 3600 ACRES, 33 acres Assigned California

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100 3600 ACRES, 33 acres Assigned California



Pattern Project Area

FOR DIMENSIONS OF THIS MAP, SEE THE ORIGINAL RECORDS.

FOR DIMENSIONS OF THIS MAP, SEE THE ORIGINAL RECORDS.

SECTION	OWNER	ACRES
19	Public Domain	3600
20	Public Domain	3600
21	Public Domain	3600
28	Public Domain	3600
29	Public Domain	3600
30	Public Domain	3600
31	Public Domain	3600
32	Public Domain	3600
33	Public Domain	3600

Impact Rationale:

ACEC	Turbine placement would not directly impact ACEC's because they're all outside of the designated areas, although the potential exists for visual impacts to resources within the ACEC, such as the Yuha Geoglyphs and the Juan Batista de Anza National Historic Trail.
Cultural	No turbines are within potentially eligible sites, which would have been a potentially high impact; Turbines directly impacting ineligible sites would be a potentially moderate impact; Turbines within about 1/4 mile of a potentially eligible sites would be a potentially low impact; otherwise, impacts would be negligible [to be discussed with El Centro Field Office staff]
EJ/ NA Concerns	No impacts expected from turbine location because all out of Sacred Area, although the potential exists for visual impacts to sacred sites outside the footprints of the turbines.
Noxious Weeds	All turbines would have equal potential to spread weeds.
Rangeland	All turbines would have equal impact to range, except those within the treatment area. Overall reduction in range in low.
Recreation	All impacts are expected to be negligible.
Social Economics	All impacts are expected to be negligible or beneficial.
Prime and Unique Farmlands	If within DLE, impacts would be low due to those areas having potential to become prime farmland. Removal of land is small and it's not currently being used or ready to be used (i.e. needs irrigation and salts removed).
Watershed - Soils	Moderate impacts if in areas with moderate erosion potential, low if in soils with low erosion potential, etc.
Watershed - Surface water	Moderate if in an ephemeral stream or wash; low if outside of those areas.
Watershed - Vegetation	All impacts to vegetation are expected to be low relative to what's existing.
Visual	All turbines would contribute to a moderate impact.
Wetlands/Riparian	No impact unless in or directly adjacent to a wetland.
Special Status Species	No impact for most; low impact if near the preferred habitat. Will base impact analysis on impacts to individuals as there are requirements for take permitting and thresholds for consultation.
Birds (inc. migratory) non-raptors	All impacts are expected to be low unless near a water source. Survey data will be used to show whether densities and species richness of migratory birds is high or low.

Raptors (inc. migratory)

All impacts are expected to be low unless within 1/2 mile of an active nest. Survey data will be used to determine raptor nest sites and whether this is a significant area for raptor wintering or migration.

Bats

All impacts are expected to be moderate. Survey results will be used to analyze proximity to roosting sites and sources of open water.

From: Donna Tisdale [mailto:tisdale.donna@gmail.com]
Sent: Thursday, February 25, 2010 12:07 PM
To: ECOSUB; aei@cpuc.ca.gov
Subject: DG alternative for ECO Sub, Tule Wind, ESJ

RE: Late scoping comment for the ECO Substation, Tule Wind, ESJ DEIR/EIS:

Please include all the information, in the attached link to Bloom Energy, regarding the Bloom Box fuel cell as shown on CBS 60 minutes on February 21, as a potential DG alternative to large-scale remote generation with new transmission. The link also contains a list of current customers using the fuel cells at their facilities and other important information.

<http://www.bloomenergy.com/products/data-sheet/>

Regards,

Donna Tisdale, for
Boulevard Planning Group
Backcountry Against Dumps
The Protect Our Communities Foundation
East County Community Action Coalition

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ES-5000 Energy Server

Welcome to clean, quiet electricity that's always on. Welcome to the ES-5000 Energy Server.



CLEAN POWER ON DEMAND

Bloom Energy's ES-5000 delivers clean power to meet your base load electricity needs. Rain or shine, the ES-5000 seamlessly produces power in parallel with the utility grid. Your new power source will reduce your emissions and save you money.

RELIABLE RISK MITIGATION

The ES-5000 operates at unmatched electrical efficiencies. That means that it consumes less fuel and produces less CO₂ than competing technologies. As the aging grid infrastructure and rising fuel costs cause utility prices to soar, the economic benefits of your ES-5000 will continue to increase.

HIGH-TECH, LOW-COST

Utilizing planar solid oxide fuel cell (pSOFC) technology first developed for NASA's Mars program, the ES-5000 produces clean power at down-to-earth prices. Unlike other fuel cell technologies, Bloom's SOFCs are well suited to high-volume, low-cost manufacturing.

The ES-5000 employs a modular architecture that enables the total installation size to be tailored to your base load electricity demand. Installations can scale from 100 kW – 1 MW or more.

ALL-ELECTRIC POWER

The ES-5000's superior electrical efficiency eliminates the need for complicated CHP systems, and expands the siting opportunities available to you. Your ES-5000 can be installed outdoors in hours rather than months or years.

FUEL FLEXIBILITY

The ES-5000 can run on natural gas, as well as, renewable fuels like biogas. You choose what works for you. Onsite fuels can provide added insurance for your critical loads, and the ES-5000 can switch between fuels on-the-fly.

Future generations of Bloom Energy's Energy Servers will offer the unique capacity to operate as an energy storage device, thus creating a bridge to a 100% renewable energy future.

About Bloom Energy

Bloom Energy is making clean, reliable energy affordable. Our unique on-site power generation systems utilize an innovative fuel cell technology with roots in NASA's Mars program. By leveraging breakthrough advances in materials science, Bloom Energy systems are among the most efficient energy generators; providing for significantly reduced operating costs and dramatically lower greenhouse gas emissions. By generating power where it is consumed, Bloom Energy offers increased electrical reliability and improved energy security, providing a clear path to energy independence.

News & Awards

- Newsweek's Top 10 Eco-Friendly Companies
- CNN/Money Ten Game Changing Startups
- CNBC "Cutting Edge Energy"

Headquarters:

Sunnyvale, California

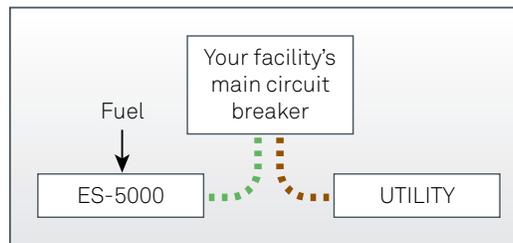
For More Information:

info@bloomenergy.com

ES-5000 Energy Server

YOUR POWER IS SECURE

The ES-5000 has been designed in compliance with Underwriters Laboratories (UL) and a variety of safety standards, and is backed by a comprehensive warranty. The ES-5000 actively communicates with Bloom Energy's network operations center. Should the system require unscheduled maintenance, we'll be deploying a solution before you even know there's a problem.



Technical Highlights

Inputs

Fuels	Natural Gas, Directed Biogas
Input fuel pressure	15 psig
Fuel required @ rated power	0.661 MMBtu/hr of natural gas
Water required (for startup only)	120 gallons municipal water

Outputs

Rated power output (AC)	100 kW
Electrical efficiency (LHV net AC)	> 50%
Electrical connection	480V @ 60 Hz, 4-wire 3 phase

Physical

Weight	10 tons
Size	224" x 84" x 81"

Emissions

NO _x	< 0.07 lbs/MW-hr
SO _x	negligible
CO	< 0.10 lbs/MW-hr
VOCs	< 0.02 lbs/MW-hr
CO ₂ @ specified efficiency	773 lbs/MW-hr on natural gas, carbon neutral on Directed Biogas

Environment

Standard temperature range	0° to 40° C (extreme weather kit available)
Max altitude at rated power	6,000 ft. MSL
Humidity	20% - 95%
Seismic Vibration	IBC 2003: Site Class D
Location	Outdoor
Noise @ rated power	< 70 DB @ 6 feet

Codes and Standards

Complies with Rule 21 interconnection standards
 Exempt from CA Air District permitting; meets stringent CARB 2007 emissions standards
 Product Listed by Underwriters Laboratories Inc. (UL) to ANSI/CSA America FC 1

Additional Notes

Operates in a grid parallel configuration
 Includes a secure website for you to showcase performance & environmental benefits
 Remotely managed and monitored by Bloom Energy
 Capable of emergency stop based on input from your facility



Bloom Energy Corporation
 1252 Orleans Drive
 Sunnyvale CA 94089
 T 408 543 1500
www.bloomenergy.com

From: donnatisdale@hughes.net [mailto:donnatisdale@hughes.net]
Sent: Thursday, February 25, 2010 4:01 PM
To: ECOSUB
Subject: letters from Congressmen

Just checking to make sure you received the attached ECO Substation, Tule Wind, ESJ, scoping letters from our Congressmen Hunter and Filner for the record.

Thanks,

Donna Tisdale
619-766-4170

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BOB FILNER
51ST DISTRICT, CALIFORNIA

VETERANS' AFFAIRS COMMITTEE
CHAIRMAN

TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE

AVIATION

HIGHWAY AND TRANSIT

WATER RESOURCES AND ENVIRONMENT



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

2428 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL: (202) 225-8045
FAX: (202) 225-9073

333 F STREET, SUITE A
CIBOLA VISTA, CALIFORNIA 91910
TEL: (619) 422-5963
FAX: (619) 422-7290

1101 AIRPORT ROAD, SUITE D
IMPERIAL, CALIFORNIA 92251
TEL: (760) 355-8800
FAX: (760) 355-8802

website: www.house.gov/filner

February 4, 2010

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

Dear Mr. Fisher:

I am writing to urge you to deny the Iberdrola Renewables proposed Tule Wind energy project in the McCain Valley National Land & Wildlife Management Area and SDG&E's proposed 60-acre ECO Substation east of Jacumba, which includes a new Boulevard Substation and at least 13 miles of new 138 kv transmission lines. These large-scale remote projects on undisturbed lands with extensive and destructive transmission requirements are not necessary.

On November 6, 2009 I sent a letter to the Secretary of Energy, Steven Chu, requesting that he deny Sempra Energy's Presidential Permit Application (PP-334) for their 500kv cross-border transmission line. I have attached it for your convenience and review. All of these projects are dependent on the final approval of SDG&E's Sunrise Powerlink, or as like to refer to it, the Desert Deathlink. As you are well aware, there are currently several legal challenges surrounding the construction of the Deathlink.

It is our responsibility to pursue more cost efficient, productive, and less destructive ways to generate renewable energy without destroying critical and varied resources, including those held sacred by Native Americans. We have to promote fair market Feed-In Tariffs while shifting subsidies and tax credits from the For-Profit multi-national corporations and utilities to the local communities and individual property owners.

I ask you to help redirect the production of energy in the right direction by denying the Tule Wind, ECO Substation, and Energia Sierra Juarez projects. If I can be of

Iain Fisher
February 4, 2010
Page 2

any further assistance, please feel free to contact me or John Riccio of my staff at (619) 422-5963.

Sincerely,

A handwritten signature in black ink that reads "Bob". The letters are cursive and stylized, with a large 'B' and a small 'ob'.

BOB FILNER
Member of Congress

cc:

Dr. Jerry Pell, Principal NEPA Document Manager
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585-0001

BF/jr
2532305

Enclosures

BOB FILNER
51ST DISTRICT, CALIFORNIA

VETERANS' AFFAIRS COMMITTEE
CHAIRMAN

TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE

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February 17, 2010

Dr. Jerry Pell
Principal NEPA Document Manager
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585

Dear Dr. Pell:

I am writing to urge you to deny the Iberdrola Renewables proposed Tule Wind energy project in the McCain Valley National Land & Wildlife Management Area and SDG&E's proposed 60-acre ECO Substation east of Jacumba, which includes a new Boulevard Substation and at least 13 miles of new 138 kv transmission lines. These large-scale remote projects on undisturbed lands with extensive and destructive transmission requirements are not necessary.

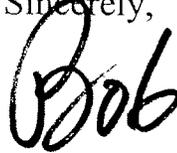
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Dr. Jerry Pell
February 17, 2010
Page 2

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Sincerely,

A handwritten signature in black ink that reads "Bob". The signature is written in a cursive, slightly slanted style.

BOB FILNER
Member of Congress

BF/jr
2532954



U.S. House of Representatives
Washington, DC 20515-0552

February 11, 2010

Mr. Michael Peevey
President, California Public Utilities Commission
505 Van Ness Ave, Room #5213
San Francisco, CA 94102

Mr. Thomas Zale
Project Manager, El Centro Field Office
U.S. Bureau of Land Management
1661 S. 4th St
El Centro, CA 92243

Dear Mr. Peevey and Mr. Zale:

I am writing regarding the environmental review currently taking place by the California Public Utilities Commission (CPUC) and Bureau of Land Management (BLM) on the impacts of the proposed Tule wind energy generation project and the San Diego Gas and Electric (SDG&E) Sunrise Powerlink transmission line project in East San Diego County. While the goal to create renewable energy projects to reduce reliance on foreign fossil fuels is a worthy one, I continue to have significant reservations regarding these projects, a large portion of which are located within my congressional district.

As a whole, the cost of these projects to taxpayers and the suitability of the route sites are of utmost importance, especially taking into consideration that not all alternatives have been thoroughly reviewed and considered. Concerns continue to be raised by local property owners and industry experts that these projects are too expensive, environmentally destructive, pose public safety concerns and will substantially adversely affect the quality of life and character of East San Diego County.

For example, the proposed Tule wind energy generation project is a \$400 million effort, 30 percent of which is being provided in federal stimulus funds to Iberdrola Renewables, a Spanish corporation. If approved, American taxpayer dollars that were to be specifically utilized for the creation of American jobs will instead be used to provide opportunities to a foreign-owned company to invest and build energy infrastructure that it will then use to charge and profit off of American customers. Unfortunately, this has occurred elsewhere throughout the country. The *San Diego Union Tribune* recently reported that of the \$2 billion the federal government has provided thus far to spur the national economy and create government-energy jobs, more than 75 percent has gone to foreign-owned companies. While some may describe this as part of the effort to pursue a "green energy future," I call it irresponsible.

Aside from the cost, I am concerned with the closure of public lands that will occur as a result of these projects. It is my understanding that the Tule Wind Project will require 15,000 acres of public lands and the Sunrise Powerlink will affect public lands all throughout my district, including the McCain Valley National Land and Wildlife Conservation Area, the Cleveland National Forest, Lake Jennings, Lark Canyon OHV Park, Cottonwood Campground and various parks and trails in the El Monte Valley area. This represents thousands of acres in East San Diego County that are significantly utilized by my constituents no longer being accessible, appealing, or safe for a wide variety of recreational uses.

Additionally, these projects pose an increased threat of wildfire from lightning strikes, malfunctioning turbines, substations, underground vaults, and related infrastructure. As you know, this region has been devastated by massive wildfires twice in the past six years where mandatory evacuations were implemented, many lives were lost and millions of dollars in property were completely destroyed. It simply is not prudent to introduce new projects into an area that is already prone to wildfire and will also reduce the ability of fire fighting agencies and other first-responder emergency personnel to perform their responsibilities. Additionally, the Tule Wind and Sunrise Powerlink projects will undoubtedly increase the cost of property insurance to homeowners who could be impacted by increased fire threat and other related property damage from self-destructing turbines and new power lines and substations.

Again, I fully understand and support the need to implement alternative energy solutions for our nation, particularly in San Diego County which is highly reliant upon imported energy resources. I firmly believe becoming energy independent would substantially increase our national security, create American jobs and improve our environment and natural resources. I also believe, however, that all options must be fully research and exhausted so that we can ensure that the final decision is one that is best both in meeting our goals and serving our community.

Studies indicate that the potential exists to generate 5,000 megawatts (MW) of energy through solar by utilizing San Diego roof tops and parking lots. Urban projects can avoid the lengthy environmental review and legal delays that large remote projects frequently entail. Southern California Edison has already recently approved large solar roof projects and, when you take into consideration the potential that exists through large structures such as our local military bases, university and college campuses and hospital complexes, it is easy to see how the developing of on-site renewable energy projects will produce great results, not just in reducing reliance on the power grid, but in keep our community safe and pristine.

Another area that promises great potential and has yet to be fully explored is nuclear, which I believe is a safe and effective way to produce electricity. There are currently 104 nuclear reactors operating in the U.S. and they provide nearly 20 percent of our nation's energy. Nuclear power is our leading source of emission-free electricity, yet the U.S. has not built a new nuclear power plant in over 12 years. Unlike fossil fuels, nuclear fuel is relatively inexpensive. Further, there is promising research in recycling nuclear waste so that it may be used again to produce even more energy and, at the same time, reduce its toxicity. Small nuclear reactors for both fission and fusion energy production are also being developed to provide reliable 5- 50 MW of energy for 10-30 years without refueling.

As the CPUC and the BLM continue to consider these projects, I respectfully request that these concerns be taken into full consideration before any final decision is reached. I believe we have the opportunity to make San Diego County the leader in urban alternative energy production by maximizing our potential through available resources such as solar and nuclear. Focusing our efforts on utilizing what we already have instead of pursuing projects that require expensive new transmission infrastructure and the acquisition and disruption of public and private properties will help move our region, and nation as a whole, toward energy independence and decreasing our reliance on foreign energy sources.

Thank you for allowing me the opportunity to submit these comments regarding this very important issue. If you have any questions, or require additional information, please do not hesitate to contact me directly, or have your staff contact Michael Harrison in my office at (619) 448-5201.

With best wishes.

Sincerely,

A handwritten signature in blue ink that reads "Duncan Hunter". The signature is fluid and cursive, with a large initial "D" and "H".

Duncan Hunter
Member of Congress

DH/mrh

From: Donna Tisdale [mailto:tisdale.donna@gmail.com]
Sent: Tuesday, March 02, 2010 11:01 AM
To: ECOSUB; aei@cpuc.ca.gov
Subject: late scoping ECO, Tule , ESJ

Please include all of the following as late scoping comments on the ECO Substation, Tule Wind and ESJ:

See attached 5- page report (dated 2-28-10) on Iberdrola being rewarded at expense of tax payers, job seekers, and electric customers.

The author, Glenn Schleede, has 30 years experience working on energy matters for both government and the private sector.

Iberdrola Locust Ridge turbine fire May 2007 <http://www.windaction.org/news/21321?theme=print>

New Brunswick turbine fire cause unknown <http://www.windaction.org/news/23228>

Land impacted by ECO Sub 138 kV line: Nature Conservancy purchases 1,080 acres of globally rare mediterranean mosaic

habitat (jacumba) for Park (1-08)

<http://www.nature.org/wherewework/northamerica/states/california/press/jacum010208.html>

Saving Mediterranean habitats Q& A:

<http://www.nature.org/wherewework/northamerica/states/california/projectprofiles/shawquestions.html>

Turbine noise trouble in Oregon 3-09:

http://www.oregonlive.com/news/index.ssf/2009/03/oregon_wind_farms_whip_up_nois.html

Another malfunctioning turbine with imported blades

<http://www.winchesternewsgazette.com/articles/2010/03/01/news/doc4b8bea29e7cb8617103025.prt>

Property values: Seller convicted of not disclosing adjacent wind energy plans 5-09:

<http://www.wind-watch.org/news/2009/05/04/convicted-for-selling-property-without-mentioning-wind-energy-project/>

Iberdrola's Providence Heights wind farm in \$1.9 million road damage legal dispute:

http://www.bcrnews.com/articles/2009/11/16/r_ctp1up1asewtp5gphfp3g/index.xml?_xsl=/print.xsl

Cumulative projects: The Draft SEIS for the Campo landfill is now available at www.campodseis.com

Please contact me with any questions

Regards,

Donna Tisdale
619-766-4170
PO Box 1275

Boulevard, CA 91905
for: myself, as an individual
Boulevard Planning Group,
Backcountry Against Dumps,
The Protect Our Communities Foundation,
East County Community Action Coalition

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US and NY officials reward Iberdrola of Spain at the expense of US taxpayers, job seekers, and electric customers

Often it's hard to tell whether highly questionable actions by federal and state government officials that reward special interests at the expense of US taxpayers, job seekers, and electric customers are due to honest but misguided intentions, skullduggery, malfeasance, incompetence, or simple mistakes.

Consider, for example, the connections between:

- Spain-based Iberdrola's recent announcement that its net profit had doubled,¹ and
- Actions affecting Iberdrola during the last few months by members of the New York State Public Service Commission (NYS PSC), NY Senator Charles Schumer, US Energy Secretary Steven Chu, and US Treasury Secretary Timothy Geithner.

But please recognize that "connecting the dots" among the actions of these officials will require careful reading of the following four pages.

Iberdrola of Spain's February 24 doubling of net profit announcement

"MADRID (AFP) – Spain's Iberdrola, the world's biggest wind-power generator, said Wednesday its annual net profit in the fourth quarter more than doubled to 795.3 million euros (1.07 billion US dollars)

"But the company reported that for the full year 2009 net earnings weakened due to weakness in core markets, which was *offset by higher renewable energy output and greater income from its US unit.*

"The *results were boosted by income from its US unit Energy East*, which helped make up for lower demand in its two main markets, Spain and Britain." (emphasis added).

How has Iberdrola benefitted so handsomely from US and NY officials' actions?

There is little doubt that the following actions by New York State and US government officials were significant factors in Iberdrola's enviable profit picture:

- 1. NYS PSC, urged by Senator Schumer, approved Iberdrola acquisition of Energy East on Iberdrola's terms.** Initially, a NYS PSC administrative law judge (ALJ) urged that, as a condition in approval of Iberdrola's acquisition of Energy East companies, that Iberdrola not be allowed to own "wind farms" in Energy East's service territories in NY² because this would be contrary to the PSC rules against allowing a company to own both electric *generation* and *distribution* operations.

However, Iberdrola insisted on having the right to own "wind farms" anywhere in New York as a condition of its acquisition of Energy East's electric and gas distribution companies.

Senator Schumer entered the picture. He was angered by the ALJ's position,³ referred to the position as "stone headed,"⁴ openly favored Iberdrola, and met with the PSC Chairman to urge approval of the acquisition, with Iberdrola having the right to own "wind farms" in New York.⁵

On September 3, 2008, the PSC approved the acquisition and even *insisted* that Iberdrola invest at least \$200 million in “wind farms” in New York. At that time, Iberdrola indicated that it planned to invest at least \$2 billion.⁶

In June 2008, when the Iberdrola acquisition of Energy East was pending before the PSC, Governor Paterson praised Iberdrola’s intention of investing \$2 billion in “wind farms” in New York.⁷

2. **Owners of “wind farms” enjoy enormous federal and state tax breaks that permit them to shelter profits – including profits from other operations (such as Iberdrola’s Energy East distribution companies) from federal and state corporate income tax.**

At the end of 2009, Iberdrola owned 3,591 MW of wind turbine capacity in the U.S, including co-ownership of the 231 MW Maple Ridge “Wind Farm” in upstate NY and smaller projects in western New York. Iberdrola is pursuing development of many other wind farms, including several in New York.⁸

There are many tax federal and state breaks and subsidies for “wind farms.” Particularly important to them are state Renewable Portfolio Standards (RPS) that specify the amount of electricity sold by utilities that should come from “renewable” energy sources. RPS in effect create high priced markets for the benefit of owners of “renewable” facilities, now primarily “wind farms.” High prices paid to “wind farm” owners are, of course, passed along to electric customers in their monthly bills.

The burden of tax liability that is escaped by wind farm owners is, in effect, shifted to ordinary taxpayers who do not enjoy such tax shelters and can’t escape their tax liability. Three tax breaks that are the especially important for companies such as Spain-based Iberdrola are:

- a. *The federal wind “Production Tax Credit” (PTC).* The PTC permits a “wind farm” owner to deduct from its bottom line tax liability \$0.021 per kilowatt-hour of electricity produced during the first 10 years of operation. For example, if Iberdrola’s 3,591 MW of wind turbine capacity operated at an average capacity factor of 30%, the annual value of the PTC – the deduction from owners’ tax liability -- would be over \$198 million per year⁹ or nearly \$2 billion over 10 years.
- b. *Accelerated depreciation deductions for federal income tax purposes.* Nearly all wind farm capital investment costs qualify for the five-year double declining balance accelerated depreciation for tax purposes. In simple terms, it permits a wind farm owner to “recover” or “write off” the entire capital cost¹⁰ of qualifying equipment and facilities during 6 tax years. The depreciation allowance is deducted from otherwise taxable income, specifically 20% of capital costs in the 1st tax year, 32% in the 2nd tax year, 19.2% in the 3rd and the remaining 28.8% in the ensuing 3 tax years. (Owners of most electric generating units powered by traditional energy sources are required to use 20-year, 150% declining balance depreciation for tax purposes.)

In addition to the exceedingly prompt write off or recovery of all capital costs, the depreciation deductions that reduce taxable income also reduce the owner’s tax liability by an amount equal to 35%¹¹ of the allowed depreciation deduction. This reduction in tax liability occurs *before* the tax credit deduction described above.

Most “wind farms” are legally owned by single-asset limited liability companies (LLCs). However, for tax purposes, the operations of subsidiary and affiliate companies, including LLCs with their tax breaks, can be consolidated with parent corporations’ financial operations, thus

permitting some large corporations to avoid paying any federal income tax. Quite likely, Iberdrola is in such an enviable position.

Accelerated depreciation has the added advantage of permitting wind farm owners to recover all equity and debt through deductions from taxable income much faster than normal book depreciation would allow.

c. Accelerated depreciation deductions for state income tax purposes. Many states, including New York, conform their corporate income tax rules to the federal IRS rules. In such cases, the accelerated depreciation deductions allowed on federal returns (described above) flow through to state returns and, therefore, reduce state corporate income tax liability. Depending on the size and profitability of the corporation using a consolidated tax return, rapid depreciation deductions may completely eliminate any state corporate income tax liability for several years.

3. **The federal stimulus legislation “opened the floodgates” of tax dollars for “wind farm” owners.** “Stimulus” legislation, -- i.e., the American Recovery and Reinvestment Act of 2009 (ARRA) -- permitted wind farm owners eligible for the Production Tax Credit (PTC) described above to take, instead of the PTC -- either (a) a 30% investment tax credit (ITC), or (b) cash grant from the US Treasury equal to 30% of a wind farm’s eligible capital cost. The grant money is not taxed.
4. **Secretaries Geithner and Chu have used \$577 million in stimulus money to fund Iberdrola’s bonanza and Iberdrola is expecting another \$430 million.**

Using tax dollars from the \$787 billion stimulus “slush fund,” Secretary of Treasury Geithner and Secretary of Energy Chu enthusiastically passed out cash grants for “renewable” energy projects on September 1¹² and September 22¹³, 2009 that totaled more than \$1 billion. Most of these grants were to wind farm owners.

Iberdrola received \$577 million in cash grants, nearly 60% of the grants distributed during September 2009.¹⁴

Iberdrola’s CEO has indicated that he expects to receive an additional \$430 million in 2010.¹⁵

A detailed analysis of stimulus grants for wind energy by American University’s Center for Investigative Journalism indicates that Treasury and DOE have continued to dispense cash grants but have stopped publicly announcing the recipients.¹⁶ (So much for stimulus fund “transparency”)

There appears to be no serious question but that US taxpayers have made a huge and direct contribution to the more than doubling of Iberdrola’s net profits described by the company.

5. **Few US jobs are created by “stimulus” grants to “wind farm” owners – especially when they are given for projects (a) already completed, (b) owned by foreign-owned companies and/or (c) using *imported* turbines, turbine parts, towers, blades, and other equipment.**

“Wind farms” create few jobs compared to spending of equal amounts on generating units using traditional energy sources (e.g., natural gas or coal). This is especially the case when wind turbines, towers, blades, and/or other equipment are imported – which is the case for many “wind farms.”

Construction jobs are temporary, with key jobs often filled by traveling workers who spend little time or money in the area where “wind farms” are constructed. Few permanent jobs are created by “wind farms” while many more are created by generating plants using traditional energy sources.

An “economic model” labeled “JEDI (Jobs and Economic Development Impact), prepared by a wind industry advocate and funded with tax dollars and promoted by DOE and its National Renewable Energy “Laboratory” (NREL) overstates local and regional “wind farm” job and economic benefits.¹⁷

The ineffectiveness of the billions in “stimulus” grants in creating jobs in the US is explained in detail in the American University study cited above.

6. **Senator Schumer’s inconsistency.** On November 5, 2009, NY Senator Charles Schumer issued a press release and a copy of his letter to President Obama¹⁸ sharply questioned whether “stimulus” grants should be given to the owners of a proposed “wind farm” in Texas because the owner of the proposed “wind farm” planned to obtain its wind turbines from China. According to the Senator’s letter the project would cost \$1.5 billion and the owners were seeking a \$450 million grant.

Thus far, it appears that Senator Schumer has not questioned the larger \$577 million in grants given to Spain-based Iberdrola that have already helped fuel the company’s net profit bonanza – or the additional \$430 million stimulus expected in 2010 by Iberdrola’s CEO. It appears that a very large number of the wind turbines that Iberdrola has installed in the US during the past two years have been imported.¹⁹

It is far from clear how high level government officials can justify the actions they have taken. Some writers has suggested that at least the huge grants can be explained by political connections with current Administration officials, former employment connections by Administration officials, and campaign contributions.²⁰

There is little doubt that the actions by federal and state officials described above have been detrimental to the interests of US taxpayers, jobless, and electric customers (including those in New York who are facing rate increases from Iberdrola distribution companies) and that the actions have resulted in an outflow of dollars from the US economy.

Furthermore, when considering the implications of the actions by federal and state officials who are so eager to force US taxpayers and electric customers to bear the huge costs of tax breaks and subsidies for wind energy, it is useful to keep in mind that electricity from wind is high in cost and low in value.²¹

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* Glenn Schleede is semi-retired after working on energy matters for more than 30 years in government and the private sector. He often writes about energy issues, particularly about policies and actions that adversely affect taxpayers and consumers.

Endnotes:

¹ http://news.yahoo.com/s/afp/20100224/bs_afp/spainenergycompanyearningsiberdrola

² <http://www.wind-watch.org/news/2008/06/17/judge-against-power-venture-arbiter-says-current-iberdrola-deal-does-not-benefit-public-recommends-conditions/>

³ Ibid.

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- ⁴ <http://www.wind-watch.org/news/2008/05/01/senator-slams-psc-in-deal/>
- ⁵ <http://www.wind-watch.org/news/2008/07/15/schumer-presses-for-utility-merger-deal/>
- ⁶ <http://www.wind-watch.org/news/2008/09/03/energy-panel-approves-sales-of-utilities-to-iberdrola/>
- ⁷ <http://www.wind-watch.org/news/2008/06/05/paterson-praises-iberdrola-wind-power-plan-governor-urges-quick-psc-action-on-energy-east-takeover/>
- ⁸ <http://www.wind-watch.org/news/2010/02/12/wind-farm-tax-breaks-considered-by-herkimer-county>
- ⁹ 3,591,000 kW of capacity times 8760 hrs. per year times .3 capacity factor x \$0.021 per kWh = \$198,180,108.
- ¹⁰ Whether financed with owner's equity or debt (borrowed money).
- ¹¹ 35% is the corporate marginal tax rate in the US.
- ¹² <http://www.energy.gov/news/7851.htm>
- ¹³ <http://www.energy.gov/news/8038.htm>
- ¹⁴ http://www.iberdrolarenovables.es/wc/en/comunicacion/notasprensa/100223_NP_ResultadosIBR09_en.pdf
- ¹⁵ Ibid.
- ¹⁶ <http://investigativereportingworkshop.org/investigations/wind-energy-funds-going-overseas/story/renewable-energy-money-still-going-abroad/>
- ¹⁷ Thirteen reasons why economic models like JEDI overstates local and regional job and economic benefits can be found on pages 2-3 of a paper that can be found at: <http://www.wind-watch.org/news/2008/12/20/wind-energy-will-be-an-early-test-of-obamas-white-house-staff/>
- ¹⁸ http://schumer.senate.gov/new_website/record.cfm?id=319695
- ¹⁹ AWEA Wind Energy Market Report 2009, <http://www.awea.org/publications/reports/4Q09.pdf>
- ²⁰ <http://www.futureofcapitalism.com/2009/09/clean-energy>; <http://www.windaction.org/news/22991>
- ²¹ See, "The True Cost of Electricity from Wind is always Underestimated and its Value is always Overestimated," <http://www.windaction.org/documents/25496>; <http://www.wind-watch.org/documents/true-cost-of-electricity-from-wind-is-always-underestimated-and-its-value-is-always-overestimated/>; and http://scienceandpublicpolicy.org/reprint/electricity_wind_costs.html

From: donnatisdale@hughes.net [mailto:donnatisdale@hughes.net]
Sent: Thursday, March 04, 2010 4:13 PM
To: ECOSUB
Subject: cumulative project info

Here is updated information regarding the La Posta Navy training facility that was referenced in scoping comments on Tule Wind, ECO Substation and ESJ

"BLM grants interim right-of-way to Navy in San Diego County" (BLM-California news release, 3/1/10)

The Bureau of Land Management has decided to grant an interim right-of-way to the Department of the Navy so they may carry on important national defense training at the La Posta Mountain Warfare Training Facility located in southeastern San Diego County.

http://www.blm.gov/ca/st/en/info/newsroom/2010/march/CDD1039_laposta_ROW.html

regards,

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From: donnatisdale@hughes.net [mailto:donnatisdale@hughes.net]
Sent: Sunday, March 07, 2010 12:44 PM
To: ECOSUB
Subject: late scoping Tule Wind, ECO Sub, ESJ

Hello Dudek folks,

Please consider these late scoping comments for the joint EIR/EIS review for ECO Substation, Tule Wind and Energia Sierra Juarez projects.

See the attached letter (2-12-10) from the CPUC to K.Rhodes regarding fire issues for the Sunrise Powerlink. The quote copied below can be found on page 3.
It refers to the BCD Alternative route which runs through the McCain Valley / Thing Valley/ La Posta Creek areas that are also impacted by the Tule Wind turbine project. **"The landscape is not defensible due to the fuel load and rugged terrain".**

*"Although the fire history and ignitions data set is incomplete, it helps to provide the best picture of whether fires can be successfully fought by firefighters or not. In the case of the approved route, the majority of BLM land along the route occurs for what was identified as the "BCD Alternative" in the EIR/EIS. Section E.2.15 of the EIR/EIS evaluated the potential for the transmission line to interfere with firefighting operations (Impact F-3) along this portion of the approved route using the Wildfire Containment Conflict Model as a basis for the analysis. **The model results indicated that this landscape is not defensible due to the fuel load and rugged terrain.** Any fire history data deficiency on BLM lands would not influence the model results because the effects of fuel and topography dominate the model results, masking any effect of fire and ignition history. The EIR/EIS concluded that any effect of the transmission on firefighting efforts would be less than significant for the BCD Alternative because the transmission line would occur in a non-defensible landscape. "*

Please make sure the joint DEIR/EIS contains this same information. However, I strongly disagree with the PUC statement that the effect on firefighting efforts are *less than significant* because the area the line passes through can't be defended anyway. Say what? The threat these multiple power generation and transmission projects represent to our human and natural communities, and the fact that the fires they may start are non-defensible, is too great to allow for any approvals in this high fire danger zone.

Regards

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PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



February 12, 2010

Katheryn Rhodes and Conrad Hartsell, MD
371 San Fernando Street
San Diego, CA 92106

Re: SDG&E Sunrise Powerlink Transmission Project

Dear Ms. Rhodes and Dr. Hartsell:

Thank you for your email on February 6, 2010, which referenced a letter that was sent to Mr. William Metz, Forest Supervisor, on November 5, 2009 stating your concerns that wildfire risks for the full southern route of San Diego Gas & Electric Company's (SDG&E's) Sunrise Powerlink Transmission Project were never analyzed in the Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Your letter identified several issues of concern: only portions of the Final Environmentally Superior Southern Route (FESSR) were analyzed; a Fire Risk and Probability Analysis of Reliability/Redundancy Benefits does not exist for the FESSR; the FESSR was not compared to a second (collocated) Southwest Powerlink (SWPL) line regarding reliability/redundancy levels; and EIR/EIS used the wrong CalFire data. Each of these issues is addressed below.

FESSR Fire Analysis in the Final EIR/EIS. A full analysis of the approved southern route was completed, albeit in separate sections, in the Final EIR/EIS. The Fire & Fuels Management analysis of the full southern route can be pieced together by referring to Sections E.1.15, E.2.15, and E.4.15 of the Final EIR/EIS under the Interstate 8 Alternative, BCD Alternative and BCD South Option Revision, and the Modified Route D Alternative sections, respectively. These sections are available on the CPUC's Sunrise Powerlink website at the following addresses:

http://www.cpuc.ca.gov/environment/info/aspen/sunrise/feir/E1_15%20Fire%20and%20Fuels.pdf

http://www.cpuc.ca.gov/environment/info/aspen/sunrise/feir/E2_15%20Fire%20and%20Fuels.pdf

http://www.cpuc.ca.gov/environment/info/aspen/sunrise/feir/E4_15%20Fire.pdf

In addition, a wildfire modeling effort was carried out for the entire approved southern route, and it is presented in Appendix 3E of the Final EIR/EIS. These aforementioned modeling files are also available on the CPUC's Sunrise Powerlink website at the following addresses:

http://www.cpuc.ca.gov/environment/info/aspen/sunrise/feir/apps/App%203E-09_SEnvSup_FBhvr2_BPNorm.pdf

http://www.cpuc.ca.gov/environment/info/aspen/sunrise/feir/apps/App%203E-10_SEnvSup_FBhvr4_BPNorm.pdf

http://www.cpuc.ca.gov/environment/info/aspensunrise/feir/apps/App%203E-11_SEnvSup_FBhvr2_BPExtrm.pdf

http://www.cpuc.ca.gov/environment/info/aspensunrise/feir/apps/App%203E-12_SEnvSup_FBhvr4_BPExtrm.pdf

Fire Risk and Probability Analysis of Reliability/Redundancy Benefits. A reliability analysis was conducted for the approved route and presented in General Response 3 of Section 2 of the Final EIR/EIS, available on the CPUC's Sunrise Powerlink website at the following address:

<http://www.cpuc.ca.gov/environment/info/aspensunrise/feir/003%20Sect%202%20General%20Responses.pdf>

Reliability/Redundancy Comparison to "Second SWPL" (Collocated) Alternative. Your letter stated that a complete fire analysis report for the full route or a probability analysis for an increase in reliability/redundancy levels for the chosen proposed path compared to collocation with the existing SWPL could not be found.

A "Second SWPL (collocated) Alternative" was considered, but not carried forward for detailed analysis as described in the Alternatives section of the Final EIR/EIS. This alternative was eliminated due to risk of both 500 kV lines being out of service at the same time in a major wildfire and it is described in Section C.5.8.3 of the Final EIR/EIS, which is available at the following address on the CPUC's Sunrise Powerlink website:

<http://www.cpuc.ca.gov/environment/info/aspensunrise/feir/C%20Alternatives.pdf>

Supporting documentation is included in Appendix 1 of the Final EIR/EIS, and particularly in Attachment 1A to Appendix 1, which discusses the effect of wildfires on transmission line reliability. Attachment 1A in Appendix 1 of the Final EIR/EIS is available on the CPUC's Sunrise Powerlink website at the following address:

http://www.cpuc.ca.gov/environment/info/aspensunrise/feir/apps/a01/App%201%20ASR%20z_Atm%201A-Fire%20Report.pdf

Fire and Ignition History Data. Fire and ignition history data was used in a limited manner in the EIR/EIS, and any data deficiency with regard to BLM lands had no bearing on the model results as presented in the Final EIR/EIS. The Burn Probability Model and the Fire Behavior Trend model are based on actual vegetation characteristics (density and moisture content) obtained during multiple weeks of field work conducted with the express purpose of providing data for use in the EIR/EIS modeling effort. Historic fire perimeters and ignitions data were not used in these two models.

Historic fire perimeters and ignitions data were used to characterize the environmental setting for the Fire and Fuels Management sections of the EIR/EIS and in the Wildfire Containment Conflict Model to characterize the degree of "defensibility" of the landscapes through which the Proposed Project and alternatives would pass and to determine whether transmission lines would adversely affect firefighting operations in defensible landscapes.

Although the fire history and ignitions data set is incomplete, it helps to provide the best picture of whether fires can be successfully fought by firefighters or not. In the case of the approved route, the majority of BLM land along the route occurs for what was identified as the "BCD Alternative" in the EIR/EIS. Section E.2.15 of the EIR/EIS evaluated the potential for the transmission line to interfere with firefighting operations (Impact F-3) along this portion of the approved route using the Wildfire Containment Conflict Model as a basis for the analysis. The model results indicated that this landscape is not defensible due to the fuel load and rugged terrain. Any fire history data deficiency on BLM lands would not influence the model results because the effects of fuel and topography dominate the model results, masking any effect of fire and ignition history. The EIR/EIS concluded that any effect of the transmission on firefighting efforts would be less than significant for the BCD Alternative because the transmission line would occur in a non-defensible landscape.

Additional BLM lands occur along portions of what was referred to as the "Modified Route D Alternative" in the EIR/EIS. Effects of the transmission line on firefighting operations along this alternative were determined in Section E.4.15 of the EIR/EIS to be significant and unavoidable. Mitigation measures related to this impact will be required for the long-term operation of the approved route. Similar to the conclusion reached for the BCD Alternative on BLM lands, any data deficiency for the Wildfire Containment Conflict Model for BLM land along the Modified Route D Alternative would have no bearing on the significance conclusion made in the EIR/EIS because the maximum level of significance was determined for this impact (Impact F-3). The Wildfire Containment Conflict Model is described in detail in Section D.15.4.3 of the EIR/EIS.

Conclusion. The Final EIR/EIS included a complete and thorough fire and fuels management analysis of the FESSR using best available and accurate data and mapping. The EIR/EIS analysis also included modeling of reliability/redundancy benefits, and the alternatives section concluded that a Second (collocated) SWPL Alternative should be eliminated from full consideration in the EIR/EIS due to risk of both 500 kV lines being out of service at the same time in a major wildfire.

Let me know if you have any additional questions or concerns. Please don't hesitate to call me with any questions at (415) 703-2068.

Sincerely,

Billie Blanchard

Billie C. Blanchard, AICP, PURA V
Project Manager for Sunrise Powerlink Project
Energy Division, CEQA Unit

cc: Ken Lewis, CPUC Program Manager/Deputy Director of Energy Division
Nicholas Sher/Jason Reiger, CPUC Legal Division
Susan Lee, Aspen Environmental Group
Vida Strong, Aspen Environmental Group
Alan Colton, SDG&E
Bob Hawkins, USDA Forest Service