

Response to Document No. B1

**The Law Office of Cynthia L. Eldred, on behalf of the San Diego Rural Fire
Protection District (Cynthia L. Eldred, Esq.)**

Dated January 4, 2011

- B1-1** The comment is noted. This comment acknowledges that the law office represents the San Diego Rural Fire Protection District (SDRFPD) and that all comments provided reference Section D.15, Fire and Fuels Management, of the EIR/EIS.
- B1-2** The comment is noted. Please refer to common response INT3 regarding mitigation implementation and deferral.
- B1-3** EIR/EIS Section D.10, Public Health and Safety, evaluates the potential hazards to the public and worker health and safety associated with the Proposed PROJECT. Section D.14, Public Services and Utilities, evaluates fire, police, and medical services in the project area.
- B1-4** Please refer to common responses FIRE1, FIRE2, FIRE3, and FIRE5. The EIR/EIS includes a mitigation monitoring, compliance, and reporting program (MMCRP) for the mitigation measures proposed for the ECO Substation, Tule Wind, and ESJ Gen-Tie projects, collectively referred to as the Proposed PROJECT. Table D.15-8, Mitigation Monitoring, Compliance, and Reporting—ECO Substation, Tule Wind, and ESJ Gen-Tie Projects—Fire and Fuels Management, of the EIR/EIS lists each mitigation measure and outlines procedures for successful implementation. The MMCRP table states that timing for Mitigation Measure FF-1 (Develop and Implement a Construction Fire Prevention/Protection Plan) should be a *minimum* of 90 days prior to construction for a draft of the Construction Fire Prevention/Protection Plan by the agencies and a *minimum* of 30 days prior to scheduled start of construction for the final plan. The effectiveness criteria include plan approval by the agencies. Section H of the EIR/EIS provides the recommended framework for effective implementation of the MMCRP by the CEQA lead agency, CPUC, the NEPA lead agency, BLM, and other responsible/cooperating agencies. Section H.4, Mitigation Compliance Responsibility, of the EIR/EIS explains that each applicant (SDG&E, Tule Wind, LLC, and ESJ U.S. Transmission, LLC) is responsible for successfully implementing all the adopted mitigation measures in the MMCRP. The MMCRP will contain criteria that define whether mitigation is successful, including approval of the Fire Protection Plan prior to construction.

- B1-5** Please refer to common responses FIRE1, FIRE2, FIRE3, and FIRE5. In response to this comment, Mitigation Measure FF-3 (provide assistance to SDRFPD and San Diego County Fire Authority [SDCFA]) in EIR/EIS Section D.15 has been modified in the Final EIR/EIS to indicate that this mitigation measure provides funding for one SDCFA Fire Code Specialist II position to enforce existing fire code requirements, including but not limited to implementing required fuel management requirements (e.g., defensible space), in priority areas to be identified by the SDCFA for the life of the project. In addition, this measure requires the applicants to provide funding to allow SDCFA to employ up to four volunteer/reserve firefighters as part-time code inspectors on a stipend basis for up to 90 days per year for the life of the project. The funding will be provided by the applicants to SDRFPD and SDCFA. As noted in Table D.15-8, funding from the Tule Wind and ESJ Gen-Tie Projects will be provided through development agreements that are based on SDRFPD's rate tables and SDCFA rates, respectively. The Tule Wind and ESJ Gen-Tie Project agreement(s) will be executed and funding (including assistance provided by SDG&E) will be in place at the direction of SDRFPD, with a refundable clause should the projects not receive necessary permits. Mitigation Measure FF-3 has also been revised in the Final EIR/EIS to indicate that the provision of funding shall be completed prior to start of construction so that the new positions are in place at the beginning of construction. These clarifications and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).
- B1-6** Please refer to responses B1-4 and B1-5. On January 27, 2011, the CPUC project manager met with The Law Office of Cynthia L. Eldred as well as Chief Nissen of SDRFPD to discuss the status of the applicant's fire protection plans (FPPs) and the signing of financial agreements. It was agreed that, should it be necessary, an additional meeting would be arranged with the applicants to ensure that each project applicant provides the required FPP and executable agreement to the SDRFPD's satisfaction.
- B1-7** EIR/EIS Section D.15.9, Residual Effects, describes that implementation of the mitigation measures presented in Section D.15.8, Mitigation Monitoring, Compliance, and Reporting, would mitigate all the fire and fuel management impacts (as described in Table D.15-4) associated with the Tule Wind and ESJ Gen-Tie Projects based on SDRFPD and SDCFA concurrence that fire impacts

have been mitigated to less than significant (see comment letter H4, County of San Diego Department of Planning and Land Use). As described in the EIR/EIS, the transmission line and wind turbine presence results in a potential ignition source, with historical fire start examples, located over a long time horizon within a susceptible fire environment. The electrical transmission lines and related components and the wind turbine facility present a potential obstacle for normal firefighting operations and strategies and even with training, firefighting effectiveness will be reduced by the presence of these facilities over a long time frame. However, implementation of FPP applicant proposed measures (APMs) and FPP mitigation measures, along with EIR/EIS Mitigation Measures FF-1, FF-2, FF-3, FF-4, FF-5 (for the Tule Wind Project), FF-6, and FF-7 by the Tule Wind and ESJ Gen-Tie Projects, results in fire authority concurrence that potential impacts have been mitigated. Therefore, Section D.15.3 of the Final EIR/EIS discloses that fire and fuel management impacts (Impact FF-2 and FF-3) associated with the Tule Wind and ESJ Gen-Tie Projects would be less than significant (Class II) with implementation of mitigation measures. Because SDG&E's Fire Protection Plan (Mitigation Measure FF-4) has yet to be received and assistance to SDRFPD and SDCFA in supporting fire code specialist positions (Mitigation Measure FF-3) has yet to be provided by SDG&E to SDRFPD and SDCFA, mitigation effectiveness for the ECO Substation Project is not known; therefore, Impacts FF-2 and FF-3 remain significant and unavoidable (Class I), even with implementation of mitigation measures, for purposes of the analysis conducted in the EIR/EIS.

B1-8 Pursuant to NEPA (40 CFR 1502.16) and CEQA Guidelines Section 15126, EIR/EIS Section D.15, Fire and Fuels Management, identifies significant effects related to fire and fuels management due to construction and operation of the Proposed PROJECT and provides TULE APMs (PDF-1 through PDF-26), Mitigation Measures (FF-1 through FF-7), and project alternatives that would substantially reduce these effects to levels below significance (as indicated by SDRFPD and SDCFA) for the Tule Wind and ESJ projects. In addition, Tule Wind and ESJ Gen-Tie projects have fire agency-approved APMs and FPP mitigation measures that are provided in the respective project FPPs. Through Mitigation Measure FF-3, SDG&E will be required to provide funding for one SDCFA Fire Code Specialist II position to enforce existing fire code requirements, including but not limited to implementing required fuel management requirements (e.g., defensible space), in priority areas to be identified by the SDCFA for the life of the project.

B1-9 In response to this comment, Section D.15.3.3 has been modified with suggested revisions in the Final EIR/EIS. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B1-10 Please refer to response B1-3. Aside from separate environmental reports included within the appendices and supporting applicant studies, all appropriate data and material is provided within the actual language of the EIR/EIS analysis. The EIR/EIS provides all pertinent information necessary to allow for meaningful public and agency review. New significant information or circumstances is neither required nor is it proposed to be added to the EIR/EIS and recirculation of the document pursuant to CEQA Guidelines, Section 15088.5, is not warranted. Under NEPA, this information does not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

Response to Document No. B2

California State Senate (Senator Joel Anderson)

Dated February 7, 2011

B2-1 Senator Anderson's support of the project is noted and will be included in the administrative record.

Response to Document No. B3

California Department of Fish and Game, South Coast Region (Edmund Pert) Dated February 28, 2011

- B3-1** The comment is noted but does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B3-2** The comment is noted. Refer to common response INT1.
- B3-3** The comment is noted but does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B3-4** The comment is noted but does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B3-5** The comment is noted but does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B3-6** The comment is noted. Previous comments submitted by the California Department of Fish and Game (CDFG) in response to the Notice of Preparation (published on December 28, 2009) regarding consideration of the preliminary draft information related County of San Diego Multiple Species Conservation Program (MSCP) East County Plan, were considered during preparation of the EIR/EIS. In Section D.2, Biological Resources (Subsection D.2.2.3), the County of San Diego MSCP East County Plan is discussed and the EIR/EIS notes that the County is still in the process of developing this plan. At this time, there is very little draft information available pertaining to this County planning effort, and the planning process has been put on hold due to lack of funding. The plan has not been finalized and has not been adopted by the County.
- B3-7** The comment and CDFG's recommendation are noted. Potential for impacts to state-listed species resulting from construction and operation of the Tule Wind Project are analyzed in Section D.2.3.3 (see Impact BIO-7, Tule Wind Project). The EIR/EIS does not identify impacts to state-listed species that would require consultation with CDFG under the California Endangered Species Act 2081.

- B3-8** The comment and CDFG’s recommendation are noted. Coordination between CPUC, BLM, project applicants, and CDFG regarding impacts and avoidance of take of golden eagle occurred throughout the preparation of the EIR/EIS and is ongoing.
- B3-9** The comment and CDFG’s recommendation are noted. In Section D.2, Biological Resources (Subsection D.2.2.3), the County of San Diego MSCP East County Plan is discussed and the EIR/EIS notes that the County is still in the process of developing this plan. As this plan has not been finalized and has not been adopted by the County, potential impacts related to the plan have not been analyzed in the EIR/EIS.
- B3-10** The comment and CDFG’s recommendation are noted. In Section D.2, Biological Resources (Subsection D.2.2.3), the County of San Diego MSCP East County Plan is discussed and the EIR/EIS notes that the County is still in the process of developing this plan. As this plan has not been finalized and has not been adopted by the County, potential impacts (and subsequent approaches that the BLM could employ to reduce impacts) related to the plan have not been analyzed in the EIR/EIS.
- B3-11** The comment is noted but does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B3-12** Comment noted. As suggested, the relevant statutes of the California Fish and Game Code (e.g., the California Endangered Species Act, Natural Communities Conservation Planning (NCCP) Act, Native Plant Protection Act, Section 1600 et seq.) have been incorporated into the Final EIR/EIS in Section D.2.2. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).
- B3-13** Comment noted. The reference to the Fish and Game Code Section 2091 has been deleted from the Final EIR/EIS (Section D.2.2.2, State Laws and Regulations, under the heading California Endangered Species Act). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

- B3-14** Comment noted. The suggested headings and section numbers provided in this comment have been added to the Final EIR/EIS to Section D.2.2.2, State Laws and Regulations, under the heading California Fish and Game Code. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).
- B3-15** Comment noted. Revision pertaining to the correct section of the California Fish and Game Code has been incorporated into the Final EIR/EIS (Section D.2.2.2, State Laws and Regulations, under the heading California Fish and Game Code). A discussion of the East County NCCP Planning Agreement has not been incorporated into the Final EIR/EIS. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).
- B3-16** Comment noted. Please refer to common responses BIO4 regarding impacts to bighorn sheep and INT-3 and BIO-8 regarding mitigation.
- B3-17** Comment noted. California Natural Diversity Database (CNDDDB) occurrence data (2009) and USFWS designated critical habitat (2009) for peninsular bighorn sheep, as well as the modified Tule Wind Project layout, are depicted on Figure D.2-9B. In Section E, Comparison of Alternatives, the EIR/EIS analyzes several project alternatives, including the Tule Reduction in Turbines Alternative, which would result in the removal of all turbines in the R-string from the Proposed PROJECT (see Figure E-1B). Through the removal of R-string turbines, the EIR/EIS Environmentally Superior Alternative (depicted in Figure E-1B) would reduce the likelihood that peninsular bighorn sheep would be impacted by the project. Also refer to common responses BIO4 regarding impacts to bighorn sheep and INT-3 and BIO-8 regarding mitigation.
- B3-18** The comment summarizes CEQA Guidelines but does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B3-19** Comment noted. Refer to common responses BIO1 related to impacts to golden eagle and INT-3 and BIO-8 related to mitigation.

- B3-19a** The comment lists CEQA Guidelines but does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B3-20** The comment is noted. Refer to common responses BIO1 for impacts to golden eagle and INT-3 and BIO-8 for mitigation.
- B3-21** The comment is noted. While the loss of potential foraging habitat for golden eagles would result from construction of the Tule Wind Project (approximately 725 acres of total temporary and permanent impacts to various land covers), this acreage of available foraging habitat was not considered significant relative to the remainder of potential foraging habitat in the largely undeveloped region in and around the Tule Wind Project area. Impacts on vegetation communities as a result of the implementation of the project are fully mitigated by the restoration and preservation of comparable habitat. The impacts are relatively small, of linear configuration, and are not focused within a particular territory of a pair or number of pairs of golden eagles. Additionally, Mitigation Measures BIO-1d and BIO-1e require mitigation for impacts to native vegetation communities through restoration, enhancement, and preservation, which would have the potential ancillary benefit of replacing suitable foraging habitat for golden eagles. Also refer to common responses BIO1 for impacts to golden eagle and INT3 and BIO8 for mitigation.
- B3-22** Comment noted. The Final EIS/EIR has been revised (in Section D.2, Biological Resources), to clarify that the observation of willow flycatcher was in surveys outside the Tule Wind Project area. The subspecies and full species are not anticipated to nest in the project area due to lack of suitable nesting habitat. As such, the analysis concludes that the only potential impact to this species would be during potential migrations through the project area. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)). Also refer to common response INT2 for adequacy of the EIR/EIS and significance determinations, as well as common response BIO8 for biological resource mitigation.
- B3-23** Comment noted. Consultation with CDFG regarding take permits for this species would be the responsibility of the project applicant. The EIR/EIS assesses the environmental effects of the Proposed PROJECT on this resource from a CEQA/NEPA perspective. Also refer to common responses INT2 for adequacy of

the EIR/EIS and significance determinations, as well as BIO8 for biological resource mitigation.

B3-24 Comment noted. Based on the available information and results of avian studies, Swainson's hawk does not occur on the Proposed PROJECT site and no impacts to this species are anticipated. Bird use data and nest surveys are the primary data sources for determining potential risk of collision from proposed wind turbines. These data sources for the Tule Wind Project do not identify Swainson's hawk as having any use in the project area; therefore, no impact is concluded for this species. Refer to common response INT2 for adequacy of the EIR/EIS and significance determinations.

B3-25 The comment is noted. EIR/EIS Section D.2, Biological Resources (Subsection D.2.2.3), discusses the County of San Diego MSCP East County Plan and notes that the County is still in the process of developing this plan. At this time, there is very little draft information available pertaining to this County planning effort, and the planning process has been put on hold due to lack of funding. The plan has not been finalized and has not been adopted by the County. As this plan has not been finalized and has not been adopted by the County, potential impacts (and subsequent approaches that the BLM could employ to reduce impacts) related to the plan have not been analyzed in the EIR/EIS.

B3-26 Comment noted. Please refer to response B3-25 regarding the East County MSCP. Section D.2.2.3 of the Final EIR/EIS has been revised to incorporate available information. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B3-27 Comment noted. Very little information is available pertaining to the East County MSCP planning effort. Additionally, this planning effort is currently on hold due to lack of funding. Section D.2.2.3 of the Final EIR/EIS has been revised to incorporate available information. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)). Please refer to common response INT2 regarding adequacy of the EIR/EIS.

B3-28 Comment noted. Please refer to common responses BIO6 regarding impacts to wildlife corridors and INT2 regarding adequacy of the EIR/EIS. The Final EIR/EIS (Section D.2, Biological Resources) has been revised to incorporate additional information related to wildlife movement. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B3-29 Comment noted. Very little information is available pertaining to the East County MSCP planning effort. Additionally, this planning effort is currently on hold due to lack of funding. Also please refer to common response INT2 regarding adequacy of the EIR/EIS.

B3-30 Comment noted. Please refer to response B3-25 regarding the East County MSCP. The MOU between the BLM and the County was developed to encourage collaborative planning of MSCPs in the County. The project evaluated in this EIR/EIS would not conflict with any approved MSCP developed in conjunction with this MOU. The MSCP East County Plan is in the early planning stages and is not approved; therefore, the project evaluated in the EIR/EIS could not be evaluated against the MSCP East County Plan. Also please refer to common response INT2 regarding adequacy of the EIR/EIS.

B3-31 Comment noted. Refer to common response INT3, which describes the discretionary authority of the County of San Diego as follows:

The County of San Diego will be responsible for ensuring mitigation compliance for its discretionary action under CEQA in consideration of issuing two separate major use permits (Major Impact Service Utility): one for the Tule Wind Project and one for the ESJ Gen-Tie Project, because portions of those projects are within lands managed by the County.

Mitigation Measure BIO-1d contains the following language (italics added for emphasis): “Temporary impacts shall be restored sufficient to compensate for the impact to the satisfaction of the permitting agencies (depending on the location of the impact). *If restoration of temporary impact areas is not possible to the satisfaction of the permitting agencies, the temporary impact shall be considered a permanent impact and compensated accordingly* (see MM BIO-1e).” Mitigation Measure BIO-1d will consider temporary impacts as permanent impacts if that is required by the appropriate agencies.

Mitigation Measure BIO-1e contains the following language: “permanent impact to all native vegetation communities shall be compensated through a combination habitat compensation and habitat restoration at a minimum of a 1:1 ratio *or as required by the permitting agencies.*” Mitigation Measure BIO-1e is designed to address permanent impacts to a number of vegetation communities; therefore, while the mitigation ratio provided in the measure is general, the measure does provide for habitat compensation or restoration to occur at a ratio required by the permitting agency. Because the County of San Diego has land use jurisdiction over portions of the Tule Wind and ESJ Gen-Tie projects, the County will have the opportunity to review and approve plans to ensure that impacts on County jurisdictional lands are mitigated in accordance with established County mitigation ratios.

- B3-32** Comment noted. As stated, Mitigation Measure BIO-7j includes conducting construction activities outside of the nesting bird season, typically February through August. However, if construction activities do occur during the nesting bird season, Mitigation Measure BIO-7j provides measures to avoid impacts to nesting birds. No changes have been made in the Final EIR/EIS as a result of this comment.
- B3-33** Comment noted. EIR/EIS Mitigation Measure BIO-7j has been revised to require preparation of a Nesting Bird Management, Monitoring, and Reporting Plan if the project is implemented during the breeding season and this plan would ensure that nests are not disturbed or do not result in failure. These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).
- B3-34** Comment noted. Please refer to response B3-33. EIR/EIS Mitigation Measure BIO-7j requires the preparation of a Nesting Bird Management, Monitoring, and Reporting Plan if the project is implemented during the breeding season.
- B3-35** The comment is noted but does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B3-36** Comment noted. Refer to common responses BIO7 and CUM1 regarding adequacy of the cumulative analysis.

B3-37 Comment noted. This comment does not raise specific issues related to the project or adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.

B3-38 Comment noted. In Section D.2, Biological Resources (Subsection D.2.2.3), the County of San Diego MSCP East County Plan is discussed and the EIR/EIS notes that the County is still in the process of developing this plan. As this plan has not been finalized and has not been adopted by the County, potential impacts (and subsequent approaches that the BLM could employ to reduce impacts) related to the plan have not been analyzed in the EIR/EIS.

Response to Document No. B4

California Department of Transportation, District 11 Planning Division

(Jacob Armstrong)

Dated March 1, 2011

- B4-1** This comment is an introduction to comments that follow. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B4-2** Section A.5.4, Table A-2 of the EIR/EIS identifies permits required for the Proposed PROJECT, including an encroachment permit from Caltrans. SDG&E, Tule Wind, LLC, and Energia Sierra Juarez U.S. Transmission, LLC will be responsible for obtaining all necessary permits for the project.
- B4-3** Comment noted. This comment does not raise specific issues related to the project or adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B4-4** Please refer to response B4-2. All necessary plans and environmental documentation will be completed as part the permitting process.

Response to Document No. B5

California Natural Resources Agency, Department of Parks and Recreation, Colorado Desert District (Gail Sevrens)

Dated March 4, 2011

- B5-1** The commenter itemizes a list of attachments included with the Department of Parks and Recreation comment letter pertaining to the Draft EIR/EIS. The comment is noted but does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B5-2** The comment is noted. The EIR/EIS analyzes potential adverse impacts to migratory birds protected under the Migratory Bird Treaty Act as a result of the Proposed PROJECT. Specifically, impacts to nesting birds anticipated to occur during construction activities are discussed in EIR/EIS Section D.2.3.3, Impact BIO-8, and impacts associated with the presence of transmission lines and wind turbines and the potential for increased occurrences of electrocution of, and/or collisions by, listed or sensitive bird or bat species is discussed in Section D.2.3.3, Impact BIO-10.
- B5-3** The comment is noted. The EIR/EIS analyzes potential adverse impacts to golden eagle resulting from proposed wind turbines of the Tule Wind Project (see Section D.2.3.3, Impact BIO-10). Also refer to common response BIO1 regarding impacts to golden eagle. The EIR/EIS golden eagle impact evaluation is based on a golden eagle helicopter survey within a 10-mile radius of the proposed Tule Wind Project conducted by Wildlife Research Institute in spring 2010. Tule Wind Alternative 5 would result in the removal of 62 wind turbines (J1 through J15; K1 through K12; L1 through L11; M1 and M2; N1 through N8; P1 through P5; Q1 and Q2; R1 through R10, and R13).
- B5-4** The comment is noted. The EIR/EIS analyzes potential adverse impacts to sensitive and species of special concern, including the northern red diamond rattlesnake (*Crotalus ruber*), barefoot banded gecko (*Coleonyx switaki*), Blainville's horned lizard (*Phrynosoma blainvillii*, previously coast horned lizard), and orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), resulting from construction and operation of the Proposed PROJECT. The potential for construction activities to impact sensitive and species of special concern is analyzed in Section D.2.3.3, Impact BIO-7, *Reptiles*. Although the analysis does not list specific species, impacts to wildlife corridors and wildlife movement during operation of the Proposed PROJECT are discussed in EIR/EIS Section D.2.3.3, Impact BIO-9, and impacts to wildlife during general maintenance activities are discussed in Section D.2.3.3, Impact BIO-11.

- B5-5** The comment is noted. The potential for adverse impacts to occur to Quino checkerspot butterfly during construction of the proposed Tule Wind Project is assessed in Section D.2.3.3 (Impact BIO-7, Tule Wind Project, Quino Checkerspot Butterfly). Also refer to common response BIO5 regarding impacts to Quino checkerspot butterfly. Additional discussion and detail has been added in the Final EIS/EIR Section D.2.3.3 to address comments on the impact analysis pertaining to this species. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).
- B5-6** Comment noted. Refer to common response BIO3 regarding bats. Section D.2.3.3 of the Final EIR/EIS has been revised to acknowledge barotrauma as a potential source of mortality to bats associated with operating wind turbines. In the analysis in the Draft EIR/EIS, all injury, mortality, and associated effects on bats from operating wind farms were collectively referred to as “collision;” therefore, the impact analysis for bats remains unchanged. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).
- B5-7** The comment is noted and will be included in the administrative record. The comment (which expresses the commenter’s concern pertaining to Class I significant and unmitigable impacts to Quino checkerspot butterfly (ECO Substation Project) and golden eagle (Tule Wind Project)), does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is required or provided.
- B5-8** The comment is noted. Impacts to visual resources resulting from construction and operation of the Tule Wind Project are discussed in EIR/EIS Section D.3, Visual Resources, of the EIR/EIS. As discussed in Section D.3, the selection of key observation points (KOPs) from which to analyze the anticipated visual impacts of the Tule Wind Project was a collaborative effort between the applicant, the applicant’s environmental consultant, BLM, and the County of San Diego. KOPs are chosen based on the range of sensitive viewers, distance zones, viewing conditions, and visual changes that would result from the Proposed PROJECT or

alternatives. While a KOP from the Anza-Borrego Desert State Park was not selected for analysis within the EIR/EIS, a map depicting the viewshed of the Tule Wind Project was included in the EIR/EIS (see Figure D.3-2) and reviewed during preparation of the EIR/EIS to determine if additional KOPs were needed to assess the visual effects of the project. The figure depicts the extent to which the Tule Wind Project would be visible from surrounding areas, including state wilderness and non-state wilderness lands within Anza-Borrego Desert State Park. Impacts to wilderness and recreation areas resulting from construction and operation of the Tule Wind Project are assessed in Section D.5, Wilderness and Recreation.

The comment regarding the BLM's Eastern San Diego County Resource Management Plan is noted; however, the comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.

While the EIR/EIS does not list every conceivable location at which the Tule Wind Project would be visible, KOPs (as discussed in the EIR/EIS) are selected as representative viewpoints at which to analyze the visual impacts of the project. For example, KOP 14 (which is situated at the Carrizo Overlook on BLM jurisdictional land) was used to assess anticipated visual impacts as viewed from the specific KOP location as well as from off-site areas, including Sombrero Peak, which would be afforded similar views of the Tule Wind Project. Further, as stated in EIR/EIS Section D.3, KOP 18 (located atop Table Mountain on BLM jurisdictional land) was selected to represent the existing landscape visible from the Table Mountain Area of Critical Environmental Concern (ACEC) and the southern end of Anza-Borrego Desert State Park. The visual quality and sensitivity of both KOP locations and their representative viewing positions were assessed as exceptional/high (see EIR/EIS Section D.3 (subsection D.3.1.3) and the impact analysis for these KOPs characterize the anticipated visual change visible from these locations, assuming implementation of the Proposed PROJECT. Moreover, as identified in Table D.3-2, Visual Resource Impacts (Tule Wind Project), the EIR/EIS determined that: (1) the project would have a substantial adverse effect on a scenic vista; and (2) the project would substantially degrade the existing visual character or quality of the site and its surroundings and that these impacts would be significant and unmitigable. Although representative KOPs were used to characterize the visual impacts anticipated to occur to lands within Anza-Borrego Desert State Park and the visual impacts assessed from these locations were determined to be adverse/significant and unmitigable, no KOPs were actually located within the park; therefore, the BLM determined that consideration of additional KOPs and a park-specific viewshed impact analysis was warranted and should be conducted for the Tule

Wind Project. Therefore, additional information regarding direct, indirect, and cumulative viewshed impacts of the Tule Wind Project (and projects considered in the cumulative scenario), as well as a description of the KOP selection process, is provided below.

Viewshed

Direct Impacts

To assist in the analysis of visual impacts on Anza-Borrego Desert State Park by the Tule Wind Project, candidate photo points (PP) were recommended by the State of California Department of Parks and Recreation for representative KOPs. In total, seven PPs (PP1–PP7) were identified by the Department of Parks and Recreation to represent a broad land area experienced by a variety of user types (including hikers, car campers, backcountry campers, and motorists) at different viewing angles and distances. Photos from each PP towards the Tule Wind Project site were reviewed and analyzed, and of the original seven, three have been selected as representative KOPs. Due to similar viewing distances and open visibility conditions available at PP1 (County Road S-2), PP2 (Carrizo Badlands Overlook), and PP3 (South Carrizo Creek Tamarisk Row), visual impacts at these locations are anticipated to be similar, and therefore, one PP (PP2) was selected for further analysis. PP4 (Palm Spring) was selected for further analysis and consideration as a representative KOP due to its popularity among recreationists and its historic relevance to the region (Palm Spring is a designated California Historic Landmark). Lastly, PP6 (Sombrero Peak) was selected as a representative KOP due to its close proximity to the Tule Wind Project, open visibility, and potential impacts to the wilderness values (Sombrero Peak is located in the state-designated Sombrero Peak Wilderness) of the state park landscape resulting from the visibility of the Tule Wind Project from this location. PP5 (Windcaves Trail) and PP7 (Whale Peak) were not selected as representative KOPs due to their distance to the Tule Wind Project site and due to the elevated viewing angles offered at these locations. Compared to closer locations suggested by State Park, the visibility of proposed wind turbines from PP5 and PP7 would be substantially reduced due to background landscapes and viewing distance. Therefore, as stated above, potential visual effects to Anza-Borrego Desert State Park resulting from the visibility of the Tule Wind Project are described using three representative KOPs (KOP 14a, 14b, and 14c—PP2, PP4, and PP6, respectively) located within the Anza-Borrego Desert State Park and the project’s visual contrast from within park boundaries is discussed below. These KOPs have been identified as subset locations of KOP 14 in the EIR/EIS because the northeastern portion of the Tule

Wind Project area would be visible from all locations (albeit at different viewing distances). In addition, each location is anticipated to be visited by a similar viewer type (i.e., recreationists) and each location is considered to have high visual sensitivity due to either designation as a scenic overlook or location within the State Park.

Anza-Borrego Desert State Park KOP 14a (Carrizo Badlands Overlook)

KOP 14a (Figure D.3-19C) provides a normal to slightly inferior viewing angle from the Carrizo Badlands Overlook towards the northern portion of the project site and is located approximately 8 miles northeast of the closest visible proposed wind turbine, D10. From this location, proposed higher elevation turbines would be visible due to their prominent locations, which would rise above the rugged, gray-brown mountain range apparent in the middleground viewing distance (the conical form of Sombrero Peak, included in the intervening mountain range, is visible in Figure D.3-19D). However, due to the distance and panoramic composition of the view, the visual dominance of proposed turbines would be reduced compared to locations closer in proximity to wind turbines and situated at a higher elevation. Despite this, the definite forms and vertical lines of proposed turbines would be apparent in westward views towards the northern portion of the Tule Wind Project site. From this location, State Park visitors would observe a moderate level of visual contrast between proposed wind turbines and the surrounding desert terrain in the foreground and the more complex mountainous landscape in the middleground. As shown in Figure D.3-19D, distance would reduce the apparent size of the proposed 492-foot wind turbines; however, the standard white paint applied to wind turbines would be detectable (even against the light-to-dark gradation evident at the western horizon line) and would tend to contrast with the muted browns and reds of the desert landscape. While the overall visual change would be moderate, in the context of the existing landscape's high visual sensitivity (assessed as such due to visitor's expectations of natural, undisturbed scenic landscapes within the State Park), the resulting visual impact on viewers at the Carrizo Badland Overlook would be adverse.

Visual impacts associated with construction activities are not anticipated to be substantial. Visibility of construction equipment and vehicles would be severely limited and viewing distance would further reduce the apparent size of equipment and vehicles. Land scarification and vegetation removal during construction would be visible from the Carrizo Badlands Overlook; however, long-term landscape alteration visual impacts would be reduced with the implementation of Mitigation Measures VIS-3d, VIS-3e, and VIS-3f. Mitigation measures to reduce

the anticipated visual contrast between proposed wind turbines and the surrounding landscape (e.g., Mitigation Measure VIS-3n) would not reduce the overall prominence and visible elements of contrast (form, line, color) of the project as viewed from this KOP.

For the reasons presented above, visual impacts at the Carrizo Badlands Overlook would remain adverse under NEPA and significant and unmitigable under CEQA.

Anza-Borrego Desert State Park KOP 14b (Palm Spring)

KOP 14b (Figure D.3-19E) provides a normal to slightly inferior viewing angle from Palm Spring (a designated California Historical Landmark and popular destination for car-campers and hikers) towards the northern portion of the project site and is located approximately 9 miles northeast of the closest visible wind turbine, D4. From the interpretive panel at Palm Spring, proposed turbines located on Ewiaapaayp and BLM lands would be detectable at prominent locations atop the distant dark-green higher elevation topography to the southwest. In addition, turbines in the C, D, and E strings located on BLM lands would also be visible. However, because of the viewing distance to visible turbines and due to the wide, panoramic views afforded, turbines would not be overly visually dominant. Rather, the visible mountains in the middleground viewing distance would remain the dominant features in the landscape and the distinct forms and vertical lines of proposed turbines would be slightly detectable in southwesterly oriented views towards the northern portion of the Tule Wind Project site (see Figure D.3-19F). Therefore, at Palm Spring, State Park visitors would observe a low level of visual contrast between proposed wind turbines and the characteristic desert landscape. While the proposed wind turbines are not anticipated to be dominant features in the visual landscape, the overall visual change is assessed as moderate given the context of the existing landscape's high visual sensitivity (assessed as such due to visitor's expectations of natural, undisturbed scenic landscapes within the State Park and due to use of the area by car-campers and stargazers). Therefore, the resulting visual impact at Palm Spring would be adverse and significant.

Although direct sight lines to the northern portion of the Tule Wind Project site are available to visitors at Palm Spring, visual impacts associated with construction activities are not expected to be substantial. The visibility of individual vehicles and construction equipment would be difficult due to viewing distance to construction areas and because vegetation removal and resulting land scarring are not anticipated to be overly apparent. Therefore, with the implementation of Mitigation Measures VIS-3d, VIS-3e, and VIS-3f, long-term landscape alteration visual impacts would not be adverse and would be less than

significant. However, mitigation measures to reduce the anticipated visual contrast between proposed wind turbines and the surrounding landscape (e.g., Mitigation Measure VIS-3n) would not reduce the anticipated visible elements of contrast (form and line) of the project as viewed from this KOP. Regarding night-lighting impacts, mitigation is not currently available to reduce visual impacts associated with the operation of Federal Aviation Administration (FAA)-required nighttime obstruction lighting; therefore, the color contrast between red obstruction lighting and typical dark skies would be substantial.

For the reasons presented above, visual impacts at Palm Spring would remain adverse under NEPA and significant and unmitigable under CEQA.

Anza-Borrego Desert State Park KOP 14c (Sombrero Peak)

KOP 14c (Figure D.3-14G) provides a normal to slightly inferior viewing angle from Sombrero Peak (a remote peak visited by hikers and backpackers) towards the project site and is located approximately 3 miles northeast of the closest visible wind turbine, A1. From this viewpoint, proposed turbines would be visible to the west and to the south. From the summit of Sombrero Peak, the vertical lines and definite form of turbines located in the McCain Valley and in higher elevation areas to the west would be apparent and turbines would tower over the topography located in the middleground viewing distance (see Figure D.3-19H). In addition, blade movement would also be noticeable from this location. The relatively close proximity of Sombrero Peak to the project site would increase the level of contrast in form, line, and texture as compared to the visual contrast viewed from a more distant viewing location. Although existing cultural modifications (Kumeyaay Wind Facility, rural development in the McCain Valley) are visible in the panoramic views available at Sombrero Peak, the proximity and scale of proposed wind turbines would tend to co-dominate the view along with existing high-relief topography and distant mountain ranges. The visual change would be high, and given the existing landscape's high visual sensitivity (assessed as such due to visitor's expectations of natural, undisturbed scenic landscape and visitation of the peak by hikers and backpackers), the resulting visual impact on viewers at Sombrero Peak would be adverse and significant.

Due to direct sight lines to the Tule Wind Project site afforded to hikers and backpackers at Sombrero Peak, visual impacts associated with construction activities are expected to be substantial. Also, due to proximity, individual vehicles and construction equipment, as well as land scarring resulting from vegetation removal, would be evident. Although long-term landscape alteration visual impacts would be reduced with the implementation of Mitigation Measures VIS-3d, VIS-3e,

and VIS-3f, due to the direct sightlines to the project site, the open visibility conditions, and proximity, impacts would remain adverse and significant. Mitigation measures to reduce the anticipated visual contrast between proposed wind turbines and the surrounding landscape (e.g.; VIS-3n) would not reduce the overall prominence and visible elements of contrast (form, line, texture, and color) of the project as viewed from this KOP. Regarding night-lighting impacts, mitigation is not currently available to reduce visual impacts associated with the operation of FAA-required nighttime obstruction lighting and therefore, the color contrast between red obstruction lighting and dark skies would be substantial.

For the reasons presented above, visual impacts at Sombrero Peak would remain adverse under NEPA and significant and unmitigable under CEQA.

Indirect Impacts

There are no indirect impacts on the viewshed.

Cumulative Impacts

The number and geographic extent of proposed projects on lands adjacent to or in the general proximity of Anza-Borrego Desert State Park and considered in the cumulative scenario (see Section F of the EIR/EIS) would affect the visual experience of park visitors. Construction and operation of industrial renewable energy projects (including the Ocotillo Express wind project adjacent to the park's southeastern boundary, the Imperial Valley solar project located east of Ocotillo Express and adjacent to Interstate 8, and the Superstition Mountain solar project southeast of Borrego Springs in Imperial County) would be visible to multiple viewer types from within the park. Affected viewers, including hikers, wildlife viewers, and motorists would be afforded views of industrial project elements including the bold, vertical lines and light white color of wind turbines as well as the relatively smooth, ordered texture of turbines, which would contrast sharply with the rugged, complex form of the surrounding desert landscape. In addition, the structural contrasts resulting from the operation of vertically prominent and geometric wind turbines when viewed against the backdrop of a diverse desert landscape featuring jagged mountain ranges, long valleys, coarsely textured vegetation, and boulder-strewn hills would be evident. Motorists on S2 would also be afforded alternating views of the Tule Wind Project as several wind turbines would at times be visible and then disappear behind the bold, triangular form of existing topography near Agua Caliente Park. Further south, near the Bow Willow Campground turnoff, several turbines associated with the Tule Wind Project would be visible as the rugged but relatively short peaks to the west would

not screen views of the In-Ko-Pah Mountains and more vertically prominent locations within the McCain Valley area. As the S2 descends into the valley near the Imperial County border, the flat form of area topography would provide motorists little relief from views of the Ocotillo Express project.

Similarly, solar projects considered in the cumulative scenario would tend to generate a high degree of visual contrast resulting from the introduction of grayish and metallic solar panels and support structures to a landscape typified by dull brown and red desert hues. In addition, reflected glare produced by solar panels would be visible for miles and the luminous visual effect could be noticeable to park hikers, backcountry campers, and wildlife viewers. However, due to the low, horizontal form of solar panels and associated development, it is anticipated that views of the Imperial Valley and Superstition solar projects would be limited to prominent peaks and higher elevation ridgelines within the park, which provide users with panoramic and largely unobstructed east-oriented views.

For these reasons, the Tule Wind Project is considered a substantial contributor to cumulative impacts as they relate to views from park lands. While views of the Tule Wind Project would not dominate panoramic views from within park boundaries (the visual impact and visual contrast generated by Tule Wind Project turbines would tend to decrease the further away the viewer is located from the project site), the addition of industrial project elements would have a strong, noticeable effect on west-oriented views from within the park toward the project site. Many visitors to the park value the existing unspoiled views towards the In-Ko-Pah Mountains and eastward views toward undeveloped lands outside of the park's eastern boundaries and the addition of the Tule Wind and Ocotillo Wind Express projects would substantially alter the existing visual experience enjoyed by several viewer types to the park's southern state wilderness and non-state wilderness areas. While the implementation of TULE-APM-AES-1 and Mitigation Measure VIS-3n would minimize (to the extent possible) the adverse effects associated with the introduction of wind turbines, the impact to existing visual resources and the visual contrast between industrial elements and the natural desert landscape would be strong and would remain adverse. Therefore, the Proposed PROJECT would contribute to a cumulatively adverse visual impact.

Several of the projects identified on the January 2011 BLM Renewable Energy Map and referenced by the commenter have since been rejected by the BLM. According to BLM El Centro Field Office staff, CACA 050485, a wind energy project application, was denied in May 2010 and CACA 049613 was also denied (Steward, pers. comm. 2011). CACA 050635 and CACA 050636 are both active

applications for wind testing facilities and CACA 049150 (Superstition Solar) is an application for a solar facility. Superstition Solar is included in the cumulative impacts discussion above however, due to distance, the identified wind testing facilities are not anticipated to substantially contribute to a cumulative visual impact. The Ocotillo Express Project (CACA 047518 and 050916) and the Imperial Valley solar project (CACA 047740) are discussed in Section F, Cumulative Scenario and Effects.

Please also refer to common response INT2 regarding general adequacy of the Draft EIR/EIS.

B5-9 Comment noted. Refer to common response BIO4 regarding impacts to peninsular bighorn sheep. Additional discussion has been added in the Final EIR/EIS to substantiate the conclusions regarding bighorn sheep, which remain unchanged from the Draft EIR/EIS. Impacts to peninsular bighorn sheep are assessed in Section D.2, Biological Resources. The EIR/EIS analyzes impacts to peninsular bighorn sheep resulting from construction activities of the Proposed Project (see Section D.2.3.3, Impact BIO-7). In addition, construction and operational impacts to general wildlife movement and linkages (Impact BIO-9) and general impacts associated with disturbance of wildlife during maintenance activities (Impact BIO-11) are discussed in Section D.2.3.3.

B5-10 The comment is noted. Refer to common responses CUM1 and BIO7 regarding cumulative impacts. As analyzed in the EIR/EIS, the Proposed PROJECT includes the ECO Substation Project, Tule Wind Project, ESJ Gen-Tie Project, and the Campo, Manzanita, and Jordan wind energy projects. Although project-level information for the Campo, Manzanita, and Jordan wind energy projects was not available for analysis, these projects were analyzed at a program level and the EIR/EIS included impact determinations for the Proposed PROJECT. See Table D.2.2 for a summary of biological resource impacts resulting from implementation of the Proposed PROJECT (impact analyses are included for the Proposed PROJECT within each of the eleven biological resources significance thresholds). Similarly, the visual impacts of the Proposed PROJECT are assessed in Section D.3, Visual Resources (see Table D.3-2, Visual Resource Impacts for summary of impact determinations and Section D.3.3.3 for analysis of Proposed PROJECT visual resource impacts).

Please refer to Section F, Cumulative Scenario and Impacts, for discussion of cumulative projects considered in the EIR/EIS and assessment of cumulative impacts.

B5-11 The comment is noted. The attachment provided consists of a map of BLM renewable energy sites, two photos, and three letters from the Department of Parks and Recreation addressed to the BLM pertaining to the BLM's Eastern San Diego County Resource Management Plan.

Please refer to Section F, Cumulative Scenario and Impacts, for discussion of cumulative projects considered in the EIR/EIS and assessment of cumulative impacts. The included photos, as well as previous comments submitted by the Department of Parks and Recreation pertaining to visual resource impacts, will be included in the administrative record. The Department of Parks and Recreation letters to the BLM do not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.

References

Steward, Daniel. 2011. Personal communication (telephone) between D. Steward (BLM) and J. Saunders (Dudek). August 18, 2011.

Response to Document No. B6

**California Public Utilities Commission, Rail Crossings Engineering Section
(Laurence Michael, PE)
Dated March 4, 2011**

- B6-1** Comment noted. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.
- B6-2** EIR/EIS Section D.4, Land Use, Section D.9, Transportation and Traffic, and Figures D.4-7 and D.4-8 discuss and show where the proposed 138 kV line would cross the San Diego and Arizona Eastern Railroad track. Section D.9.2.2 also discusses the CPUC General Order 95, Rules for Overhead Electric Line Construction, and includes the minimum allowable vertical clearance of 34 feet, and the minimum side clearance of 8 feet, 6 inches. The ECO Project's proposed 138 kV line would span the railroad in three locations, and would be in compliance with all applicable requirements prior to installing the transmission line at these crossings. The Proposed PROJECT does not include altering any railroad lines or railroad street crossings. Section D.9.4.2, ECO Partial Underground Proposed 138 kV Transmission Route Alternative, discusses impacts associated with the underground installation of the 138 kV transmission line, which would include the underground installation of the transmission line in one location where it crosses the San Diego & Arizona Eastern railroad. Under this alternative, SDG&E has clarified that it would use jack-and-bore methods to install the transmission line underground at this intersection of the transmission line and railroad. Under this alternative, SDG&E would also comply with all applicable laws and regulations and all applicable CPUC noticing procedures. The discussion under Impact TRA-5 in Section D.9.4.2 has been augmented in the Final EIR/EIS to clarify that under this alternative, the project would avoid impacts to the railroad by using jack-and-bore methods while installing the transmission line where it intersects the railroad. No additional changes to the EIR/EIS are necessary as a result of this comment. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).
- B6-3** Please refer to response B6-2.

Response to Document No. B7

California State Lands Commission (Cy R. Oggins) Dated March 4, 2011

B7-1 The comment is noted. It acknowledges review of the Draft EIR/EIS by the California State Lands Commission (CSLC) as a responsible agency under the California Environmental Quality Act (CEQA) as well as their jurisdiction for granting a lease for the proposed Tule Wind Project.

B7-2 This comment is an introduction to comments that follow. Please refer to common response PD1 regarding the adequacy of the project description as well as common response INT2 with regard to the adequacy of the EIR/EIS. Further, please refer to common response INT3, which discusses that the proposed PROJECT implements all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible.

Tule Wind, LLC conducted additional biological and cultural resources surveys in the fall of 2010 and information has been incorporated into the Final EIR/EIS. Please refer to comment letters from Tule Wind, LLC and response to E1 and E2. Based on the fall 2010 survey information Tule Wind, LLC modified the Tule Wind project layout to reduce the overall size of the project. The modified project layout does not result in new significant information or circumstances and recirculation of the document pursuant to CEQA Guidelines, Section 15088.5, is not warranted. In addition, according to conditions outlined in Section 5.3 of the BLM's NEPA Handbook (H-1790-1), supplementing the EIS is not required (please refer to common response INT2).

B7-3 Please refer to common response PD1 regarding the adequacy of the project description and environmental setting.

As described in Section D.10.3.3, Public Health and Safety - Direct and Indirect Effects, of the EIR/EIS (under impact HAZ-4), the project may require the use of explosives for the construction of the 138 kV transmission line and turbine foundations, depending on the geologic bedrock conditions. These activities would be limited to areas where explosives are absolutely necessary, and precautions would be taken to limit accessibility to recreational users and the general public. Prior to removing earth or rock with the use of explosives, a pre-blast survey and blasting plan would be prepared for the project, as provided for in Mitigation Measure HAZ-4b. The pre-blast survey would be conducted for structures within a minimum radius of 1,000 feet from the identified blast site.

Sensitive receptors that could reasonably be affected by blasting would also be surveyed as part of the pre-blast survey. The blasting plan would outline the anticipated blasting procedures for the removal of rock material at the proposed turbine foundation locations and would address air-blast limits, ground vibrations, and maximum peak particle velocity for ground movement.

As described in Section D.8, Noise, of the EIR/EIS, blasting activities may also be required to facilitate excavation in areas where rocks are found. EIR/EIS Section D.8, Noise, Mitigation Measure NOI-1, further describes the nature of potential blasting activities, features to reduce the noise impacts from blasting, and an evaluation of potential blasting activities in consideration of the County's noise standards. Impacts from blasting would be reduced through the preparation and implementation of a site-specific blasting plan, as provided for in Mitigation Measure NOI-1, which would include specific measures taken at each blasting location to reduce impacts to nearby residences. Furthermore, as provided in APM ECO-NOI-4, the use of explosives to assist with the excavation of rock will be prohibited within 600 feet of the boundary of any occupied parcels zoned for residential use and within 430 feet of the boundary of any occupied parcels zoned for agricultural use. As described in APM ECO-NOI-4, if blasting cannot be avoided, SDG&E will temporarily relocate residents while blasting occurs to mitigate for blasting-related impacts.

In addition, during construction, Tule Wind LLC would implement APM-TULE-BIO-21, which would require that prior to blasting activities east of McCain Valley Road (near designated critical habitat for Peninsular bighorn sheep) biological monitors would confirm that bighorn sheep are not present within one-third of a mile of the area designated for blasting. Implementation of this APM would confirm avoidance of potential for harassment and disturbance of the species; however, the EIR/EIS analysis (please refer also to common response BIO4 related to the impact analysis for Peninsular bighorn sheep) is based on evidence that the bighorn sheep do not occur in the project area. Mitigation Measures BIO-7j and BIO-10b require preconstruction nesting surveys, construction buffers around nests, and preparation of an avian and bat protection plan for each project that are designed to avoid and minimize effects of noise and other construction-related factors on special-status wildlife.

B7-4

Please refer to common response PD1 regarding the EIR/EIS adequacy of the environmental setting. EIR/EIS Section D.2, Biological Resources (Subsection D.2.1, Environmental Setting/Affected Environment), has been updated to reflect the latest biological survey results, including the results from rare plant surveys and bat surveys. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as

the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-5 Please refer to common response INT2 with regard to the adequacy of the EIR/EIS. In accordance with CEQA Guidelines Appendix G, thresholds for each environmental topic in the EIR/EIS were tailored to meet the project circumstances and to adequately assess the projects impacts.

B7-6 Please refer to common response INT3 regarding mitigation deferral. The EIR/EIS provides all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. Such mitigation is based on focused studies and environmental review that is feasible and practical based upon project specifics known at this time. The CPUC and BLM have committed themselves to incorporate all reasonable mitigation; mitigation would only be deferred to a later date if it were impractical to create specific mitigation this early in the planning process. As stated in common response INT3, pursuant to case law, an agency may defer defining the specifics of mitigation measures if it commits itself to mitigation and lists the alternatives to be considered, analyzed, and potentially incorporated in the mitigation plan, and an agency may even rely upon future studies, if those studies help further define specific mitigation measures. For example, Section D.8 of the EIR/EIS provides a complete and accurate evaluation of the potential noise impacts and includes all feasible mitigation in order to lessen and reduce those impacts. Part of the required mitigation includes the requirement to create a future specific noise mitigation plan to reduce operational noise impacts. The measure also includes the types of details that may be included in the plan to reduce such impacts. The incorporation of mitigation requiring a site-specific noise plan is required in order to tailor specific mitigation measures to be as effective as possible based upon project-specific attributes that will be known in greater detail at that time. This binding mitigation allows the lead agency enhanced opportunities to reduce any associated noise impacts to the greatest extent possible. Further, the EIR/EIS includes a mitigation monitoring, compliance, and reporting program (MMCRP) for all mitigation measures proposed for the projects. An MMCRP table is provided at the end of each issue area in Section D of the EIR/EIS (Sections D.2 through D.18) that lists each mitigation measure and outlines procedures for successful implementation.

As described in common response INT2, the CSLC has discretionary authority over the Tule Wind Project within its jurisdiction. As discussed in Section A.5 of the Draft EIR/EIS, the BLM will issue two records of decision (ROD)—one for the ECO Substation Project and one for the Tule Wind Project; and the CPUC

will use the EIR/EIS, in conjunction with other information developed in the CPUC's formal record, to act only on San Diego Gas and Electric's (SDG&E's) application for a Permit to Construct (PTC) and operate the proposed ECO Substation. The CPUC has no discretionary action over the Tule Wind Project. Therefore, the CSLC would act as the CEQA lead agency in consideration of portions of the Tule Wind Project within its jurisdiction. As lead agency, the CSLC could choose to either rely on the CPUC/BLM environmental document to meet its CEQA requirements or amend, supplement, and/or prepare additional documentation to meet its environmental compliance needs. Please also refer to response B7-8 regarding CPUC's role regarding the whole of the action.

B7-7 Please refer to common response INT2 as well as B7-6 regarding CPUC's role as the CEQA lead agency.

B7-8 Please refer to common response INT2 as well as B7-6 regarding CPUC's role as the CEQA lead agency. The CPUC and BLM evaluated the Tule Wind and ESJ Gen-Tie projects as "connected actions" under the National Environmental Policy Act (NEPA) and "whole of the action" under the California Environmental Quality Act (CEQA) as they were determined to be so closely related to the proposed ECO Substation Project. By including these projects as components of the proposed ECO Substation Project, it allows the lead agencies to further consider broad impacts, mitigation, and consequences of the ECO Substation Project, even though, in the case of CPUC, it has no discretionary action on either the Tule Wind or ESJ Gen-Tie projects. The evaluation of the "connected actions" under NEPA and "whole of the action" under CEQA is used to inform decision makers, even when they have no authority over aspects of the entire action.

B7-9 Please refer to PD1 regarding the adequacy of the project description as well as B7-3 regarding proposed blasting.

B7-10 The Final EIR/EIS Section D.2, Biological Resources (Subsection D.2.1, Environmental Setting/Affected Environment, under the "Methodology and Assumptions" heading), has been updated to include the most recent rare plant and bat monitoring investigations conducted for the Tule Wind Project. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

Section D.2.1, Biological Resources, of the EIR/EIS, discusses a regional overview of the environment as applied to biological resources, special habitat management areas, vegetation communities, and wildlife habitats in the project area, wetlands and waters of the United States, special-status plant and animal species, critical habitat, and wildlife corridors that may be impacted by the Proposed PROJECT. All technical reports prepared by the project applicants in support of the Proposed PROJECT evaluated in the EIR/EIS are available on the CPUC project website at: <http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm>.

B7-11 The Final EIR/EIS (Section D.2.1.3, Golden Eagle) has been revised to emphasize that none of the golden eagle territories were observed within the Tule Wind Project area. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-12 Please refer to common response BIO3 regarding impacts to bats. In addition, the Final EIR/EIS has been updated to include the recent additional studies for bats on the Tule Wind Project site (see EIR/EIS Section D.2.1 and Impact BIO-10 in Section D.2.3.3.). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-13 The Final EIR/EIS (Section D.2.1.1, Mountain Lion) has been revised to include the following addition: "...however, it is considered a Group 2 species by the County of San Diego (2009) *and is considered a Specially Protected Mammal under Fish and Game Code 4800.*" These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-14 Comment noted. The EIR/EIS provides the existing setting and impacts based on the available information, including two years of bird count studies at the Tule Wind Project (Tetra Tech EC, Inc. 2008 and 2009). Based on this information,

nocturnal bird use is thought to be low in the project area; however, a potential for significant impacts exists, described in Impact BIO-10, which would be mitigated by Mitigation Measures BIO-10a through BIO-10i provided in the EIR/EIS.

B7-15 Comment noted. Please refer to response B7-12.

B7-16 The comment is noted. EIR/EIS Section D.2.2.1, Federal Regulations (Federal Endangered Species Act), has been revised as follows:

If a “no jeopardy” opinion is provided, “the action agency may proceed with the action as proposed, provided no incidental take is anticipated. If incidental take is anticipated, the agency or the applicant must comply with the reasonable and prudent measures and implementing terms and conditions in the Services' incidental take statement to avoid potential liability for any incidental take” (USFWS 1998). If a jeopardy or adverse modification opinion is provided, USFWS may suggest “reasonable and prudent alternatives for eliminating the jeopardy or adverse modification of critical habitat in the opinion” or “choose to take other action if it believes, after a review of the biological opinion and the best available scientific information, such action satisfies section 7(a)(2)” (USFWS 1998).

Section D.2.2.2, State Laws and Regulations, has been revised to reflect relevant sections of the Fish and Game Code. The specified reference to Section 2091 has been deleted in the Final EIR/EIS. These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-17 Please refer to common response INT2 regarding adequacy of the document; refer to common response BIO4 regarding impacts to bighorn sheep. Additional discussion has been added in the Final EIR/EIS to substantiate the conclusions regarding bighorn sheep, which remain unchanged from the Draft EIR/EIS. These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-18 Comment noted. EIR/EIS Mitigation Measures BIO-10a through BIO-10e, and BIO-10h provide measures to reduce and avoid impacts to birds and bats, including the preparation of an Avian and Bat Protection Plan, which is currently in consultation with USFWS for the Tule Wind Project. Specifically, mitigation measure BIO-10e requires post-construction monitoring and reporting of bird and bat mortality; and 10h provides for an adaptive management program. Mitigation measure BIO-10h has been revised as follows to include bats in the Avian and Bat Protection Plan.

MM BIO-10h Implement an adaptive management program in an Avian and Bat Protection Plan that provides triggers for required operational modifications (seasonality, radar, turbine-specific modifications, and cut-in speed).

These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii). Refer to common response INT3 regarding mitigation.

B7-19 The comment and recommendations are noted. Please refer to common responses BIO1 and BIO8 regarding impacts to golden eagle. EIR/EIS Mitigation Measures BIO-10a through BIO-10i provide measures to reduce and avoid impacts to raptors and bats. Specifically, Mitigation Measure BIO-10e requires post-construction monitoring and reporting of bird and bat mortality; BIO-10f provides conditions under which the Tule Wind Project will be built in two phases, the second phase only being authorized based on the results of additional telemetry and nest studies; BIO-10g requires annual monitoring of golden eagles in the region; and 10h provides for an adaptive management program. After mitigation, the EIR/EIS recognizes that impacts may be significant and unavoidable under CEQA (Class I).

The CSLC's comment regarding revisions to the document to include the February 2011 Land-Based Wind Energy Guidelines is noted and will be included in the public record.

B7-20 EIR/EIS Section D.2, Biological Resources, provides a variety of mitigation measures to reduce and avoid impacts to burrowing owl, described under Impact BIO-7. Specifically, Mitigation Measure BIO-7j states that pre-construction nesting bird surveys will be conducted and appropriate avoidance measures for identified nesting birds will be implemented. Further, Mitigation Measure BIO-7j has been revised to require preparation of a Nesting Bird Management,

Monitoring, and Reporting Plan if the project is implemented during the breeding season and this plan would ensure that nests are not disturbed or do not result in failure.

These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-21 The comment regarding Mitigation Measure BIO-3a and the CSLC's position that this measure constitutes deferral of mitigation is noted. Please refer to common response INT3, which discusses the implementation of studies that have yet to be prepared. A Noxious Weeds and Invasive Species Control Plan has been prepared for the Tule Wind Project site and is included in the Final EIR/EIS (see comment letter E1, Iberdrola Renewables, LLC – Attachment D.2.1) .

B7-22 The comment regarding EIR/EIS Mitigation Measure BIO-5b and the CSLC's position that this measure constitutes deferral of mitigation is noted. Please refer to common response INT3, which discusses the implementation of studies that have yet to be prepared.

B7-23 The comment regarding Mitigation Measure BIO-7f and the CSLC's position that this measure constitutes deferral of mitigation is noted. Please refer to common response INT3, which discusses the implementation of studies that have yet to be prepared.

B7-24 EIR/EIS Mitigation Measure BIO-7f only applies as mitigation for federally or state-listed species. The Final EIR/EIS has been revised to apply this mitigation measure only to federally or state-listed species (e.g., Quino checkerspot butterfly and southwestern willow flycatcher) (see Section D.2.3.3, Direct and Indirect Effects). Furthermore, all adverse impacts to special-status species have multiple mitigation measures that reduce impacts to a level below significance. Mitigation Measure BIO-7f was never proposed as a stand-alone mitigation measure for adverse impacts to species. As revised, the Final EIR/EIS adequately addresses compliance under CEQA Guidelines.

These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result

in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-25 Comment noted. The Final EIR/EIS has been revised to modify Mitigation Measure BIO-7j to include buffers and detailed specifications related to activities around active nests (Section D.2.3.3, Direct and Indirect Effects, under the “Special-Status Small Mammals” heading). Additionally, the avian and bat protection plans being prepared for each project under Mitigation Measure BIO-10b will include buffer distance around nests during construction.

These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-26 The comment regarding Mitigation Measures BIO-10b through BIO-10h and the CSLC’s position that these measures constitute deferral of mitigation is noted. Please refer to common response INT3, regarding deferral of mitigation. EIR/EIS Section D.2.3.3, Direct and Indirect Effects (Biological Resources), has been revised to include additional specifications to provide the detail necessary for the environmental analysis. Responsibility and criteria to ensure the measures are implemented are provided in the Mitigation Monitoring, Compliance, and Reporting section (EIR/EIS Section D.2.8).

These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-27 EIR/EIS Section D.7.2.2, State Laws and Regulations (Cultural Resources), has been revised to incorporate the complete definition of a historic resource stated in CEQA Guidelines Section 15064.5.

These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-28 EIR/EIS Section D.7.2.2, State Laws and Regulations (Cultural Resources), has been revised to incorporate the complete definition of an historic resource stated in CEQA Guidelines Section 15126.4. The EIR/EIS characterizes the potential NRHP and CRHR eligibility for each resource within the project APE. CEQA Statutes Section 21083.2(l) states that nothing in the definition and application of determining a “unique archaeological resource” affects or modifies the requirements of Section 21084 or 21084.1, which provides for the definition of an historic resource or substantial adverse change to the significance of an historical resource. Therefore, a cultural resource can be both an historic resource under Section 21084 and a unique archaeological resource under Section 21083.2.

These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-29 EIR/EIS Tables D.7-5, D.7-6, and D.7-7 have been revised to include CRHR eligibility with NRHR eligibility definitions. As noted in the EIR/EIS Section D.7.1.2, “the preliminary NRHP and CRHR eligibility assessments provided herein are not formal determinations; instead, they are but preliminary recommendations based on surface observations of site character and the potential for buried deposits. These preliminary recommendations also include proposals for supplemental investigation that would be required to complete formal assessments of NRHP and CRHR eligibility at archaeological sites documented within the Proposed PROJECT area. Furthermore, formal determinations of the NRHP and CRHR eligibility are contingent on the BLM’s NHPA Section 106 consultations.” The definition of archaeological site NRHR/CRHR eligibility is based particularly on Criterion D., the ability to yield information important in history or prehistory.” Therefore CRHR potential eligibility is equivalent to NRHR potential eligibility. None of the archaeological sites that are considered not eligible for NRHR/CRHR listing are “unique archaeological resources,” as they do not contain information needed to answer important scientific questions and there is a demonstrable public interest in that information; do not have a special and particular quality, such as being the oldest of its type or the best available example of its type; and are not directly associated with a scientifically recognized important prehistoric or historic event or person.

These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in

new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-30 Please refer to common response INT2, regarding the purpose of the EIR/EIS and approval authority of the Proposed PROJECT.

B7-31 The comment is noted and this reference has been deleted in the Final EIR/EIS.

B7-32 EIR/EIS Table D.7-11 uses impact classification nomenclature common throughout the entire environmental document. Class II impacts are potentially significant impacts that can be feasibly mitigated to less than significant. All impact determinations are characterized as residual impacts, after mitigation. EIR/EIS Section D1.2.2, CEQA vs. NEPA criteria describes the impact classifications used in the EIR/EIS. There is no requirement for summarizing impacts before and after mitigation is applied. The tables are similar to the guidance provided in CEQA Guidelines Section 15123, Summary. All projects impacts are characterized in the event that the project would be approved.

The EIR/EIS states for Impact PALEO-1, Tule Wind Project, “No unique geologic features were found on site to date (70% surveyed), and thus, there is a low likelihood (*Potential Fossil Yield Classification (PFYC) - Class 2*) of identifying any unique paleontological or unique geologic features in the project area. If any paleontological resources are identified in the remaining survey area, this impact would be adverse; therefore, mitigation has been provided that would mitigate this impact. Under CEQA, impacts would be significant but can be mitigated to a level that is considered less than significant through implementation of Mitigation Measures PALEO-1A through PALEO-1E (Class II). These proposed mitigations are consistent with BLM Paleontological Resource Guidelines.” This is a conservative estimate for the potential of significant fossil resources to be located in the remaining 30 percent of the project area. No changes have been made in the Final EIR/EIS as a result of this comment.

B7-33 As indicated in EIR/EIS Table D.7-13, Mitigation Monitoring, Compliance, and Reporting—ECO Substation, Tule Wind, and ESJ Gen-Tie Projects—Cultural and Paleontological Resources, CSLC is listed as a responsible agency in the Mitigation Measures CUL-1A through CUL-1H, CUL-2, and PALEO-1A through PALEO 1E, and will therefore receive the cultural resources and paleontological plans prepared for the project. The comment is noted and will be included in the administrative record.

B7-34 Section D.7, Cultural and Paleontological Resources, of the Final EIR/EIS has been revised to include the results of a supplemental Class III intensive archaeological survey in support of the Tule Wind Project (ASM Affiliates, Inc. 2011a), and assessment of proposed refinements to the project's direct and indirect impact areas (see Section D.7.3.3, Direct and Indirect Effects). No burial or cremation sites are located with the proposed Tule Wind Project Area of Potential Effect (APE).

These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-35 Please refer to response B7-34. Data from the supplemental Class II survey report are included in Table D.7-10, and discussed in Impact CUL-1, Tule Wind Project.

These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-36 Final EIR/EIS Mitigation Measure CUL-2 (presented in Section D.7.3.3) has been revised to state:

Human Remains: All locations of known Native American human remains shall be avoided through project design and designation as ESAs if within 100 feet of project components. During construction, if human remains are encountered on federal lands, Native American consultation consistent with NAGPRA shall be undertaken. In addition, if human remains are encountered on non-federal (state, county, or private) lands, California Health and Safety Code §7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code §5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable time frame. Subsequently, the Native American Heritage Commission

shall identify the “most likely descendant.” The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98. Avoidance and protection of inadvertent discoveries which contain human remains shall be the preferred protection strategy with complete avoidance of impacts to such resources protected from direct project impacts by project redesign. The Applicant shall follow all State and federal laws, statutes, and regulations that govern the treatment of human remains. The Applicant shall comply with and implement all required actions and studies that result from such consultations, as directed by the agency.

These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-37 Please refer to response B7-33 with regard to CSLC receiving a copy of the Paleontological Monitoring and Treatment Plan.

B7-38 The comment is noted and EIR/EIS Section D.7, Cultural and Paleontological Resources, has been reviewed for “quotation” typographical errors and the identified typo has been rectified in the Final EIR/EIS.

These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-39 The comment is noted and the acronyms identified by CSLC have been incorporated into the acronym list in the Final EIR/EIS table of contents, with the exception of ARPA, which was already on the list of acronyms.

These changes to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-40 The comment expresses agreement with the impact conclusion in Section D.10, Public Health and Safety of the EIR/EIS regarding potential safety hazards related to abandoned mines, based on the justification provided in the EIR/EIS. The comment is noted and will be included in the administrative record.

B7-41 The comment recommends that measures such as fencing or bat compatible closures be incorporated to help further protect public safety and sensitive bat species that may be adversely affected by abandoned mines. As described in Section D.2, Biological Resources of the EIR/EIS, there is moderate potential for the pallid bat and pocketed free-tailed bat to forage over the site. In the northwestern portion of the project area, there are several abandoned mines; based on the visual survey of these mines, most of them do not appear to be suitable for roosting (WEST 2010a; Gruver et al. 2011). One mine shaft could have roosting potential (WEST 2010a; Gruver et al. 2011); therefore, it is assumed that this mine could support roosting pallid bat and pocketed free-tailed bat species.

As described in Section D.10, Public Health and Safety of the EIR/EIS, BLM has developed goals, objectives, and management actions associated with abandoned mines, which include implementing fencing, gating, signage, and/or closure of abandoned mine openings. The comment is noted and will be included in the administrative record.

B7-42 The comment is noted. Although Mitigation Measure HAZ-1b as written in the EIR/EIS was sufficient to fully mitigate associated impacts to public health and safety, the additional measures to provide pamphlets advising the public to avoid abandoned mines has been incorporated into Mitigation Measure HAZ-1b as recommended (Section D.10.3.3, Direct and Indirect Effects).

These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B7-43 Please refer to common response CC1 regarding quantification of greenhouse gas emissions. The preliminary draft threshold proposed by the California Air Resources Board (CARB) in October 2008 was never adopted and efforts to adopt a statewide threshold have been discontinued. Furthermore, the threshold of 7,000 metric tons per year was intended to apply to the operational emissions of an industrial source. CARB did not propose a numeric significance threshold for construction emissions.

For these reasons, the CPUC determined that the CARB preliminary draft threshold was not appropriate for the proposed project under CEQA.

B7-44

The California Air Pollution Control Officers Association’s “CEQA & Climate Change” states:

The full life-cycle of GHG emissions from construction activities is not accounted for in the modeling tools available, and the information needed to characterize GHG emissions from manufacture, transport, and end-of-life of construction materials would be speculative at the CEQA analysis level.

Similarly, the California Natural Resources Agency’s “Final Statement of Reasons for Regulatory Action” for SB 97 amendments to CEQA Guidelines states:

...requiring such an analysis may not be consistent with CEQA. As a general matter, the term could refer to emissions beyond those that could be considered ‘indirect effects’ of a project as that term is defined in section 15358 of the State CEQA Guidelines.

CEQA only requires analysis of impacts that are directly or indirectly attributable to the project under consideration. (State CEQA Guidelines, §15064(d).) In some instances, materials may be manufactured for many different projects as a result of general market demand, regardless of whether one particular project proceeds. Thus, such emissions may not be ‘caused by’ the project under consideration.

Because manufacturers of wind turbines, cement for concrete, and other construction materials fabricate products for projects throughout California, the United States, and the world, the emissions associated with such manufacturing would not necessarily be “caused” by the Proposed PROJECT. Furthermore, the CPUC and BLM have no authority to regulate or mitigate greenhouse gas emissions associated with such manufacturing. For these reasons, the emissions associated with manufacturing of wind turbines, concrete ingredients, and other construction materials are not assessed in the EIR/EIS.

Loss of carbon sequestration from desert soils is discussed in the EIR/EIS climate change section under Section D.18.1.1. While the potential loss of carbon sequestration due to removal of native vegetation is not quantified, the EIR/EIS Section D.2, Biological Resources, concludes that the impacts to native vegetation would be less than significant with mitigation measures, specifically BIO-1d and

BIO-1e. Accordingly, the Proposed PROJECT would not result in a significant loss of vegetation and the associated carbon sequestration capacity.

B7-45 The construction schedule was provided by the project applicants assuming approval of the Proposed PROJECT in 2010 and commencement of construction. Using 2011 emission factors would not substantially change the estimated emissions and would tend to lower the emissions. Thus, the assumption that construction would commence in 2010 is somewhat conservative.

B7-46 Each section of the EIR/EIS lists references used in the preparation of that section, including the studies used to support the analysis and conclusions presented in the EIR/EIS. The referenced sections provide all studies used as reference and background material within the analysis of each applicable section of the EIR/EIS. All important data or material was incorporated directly into the analysis of the EIR/EIS. No additional information from the reports is relied upon for the analysis or conclusions aside from the specific discussion within the Draft EIR/EIS or what was included within the appendices. The EIR/EIS includes summarized technical data pursuant to Section 15147 of the CEQA Guidelines, and provides sufficient material “to permit full assessment of significant environmental impacts by reviewing agencies and members of the public.” Any reports associated with highly technical analysis were made available for public review as described in Section A.6.1, Incorporation by Reference, of the EIR/EIS. As indicated in Section A.6.1, these documents are available on the CPUC’s project websites:

<http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm>

<http://www.cpuc.ca.gov/environment/info/aspensunrise/sunrise.htm>

<http://www.cpuc.ca.gov/Environment/info/aspensunrise/toc-rdeir.htm>.

In addition, the BLM’s project website provides a link to the CPUC’s website, which includes project documentation:

<http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html>.

Material that is not of such a nature and could be summarized in the EIR/EIS was not included in the appendices. Additional material cited in the reference section at the end of each impact category included material utilized as source documents, which can be cited to pursuant to CEQA Guidelines, Section 15148, and are not required to be included in the EIR/EIS.

Please refer to common responses ALT1 and ALT2 regarding the need for a comparison with other energy alternatives.

With respect to offsetting emissions from fossil fuel or other energy sources, the electricity generated by the renewable energy projects could displace electricity generated by existing fossil-fuel-fired power plants, but there is no way to precisely determine how utilities would serve end-use customers with the renewable energy from the Tule Wind, ESJ, or future renewable energy projects. Therefore, it would be speculative to assume that the displacement of fossil-fuel electricity, for example, would occur to a certain level. Please also refer to common response CC1.

B7-47 The comment is noted.

Response to Document No. B8

County of San Diego, Department of Planning and Land Use (Eric Gibson)

Dated March 4, 2011

- B8-1** This comment is an introduction to comments that follow. Please note that responses to Attachment A, which are the County's technical comments on the Draft EIR/EIS, are included within the matrix at the end of this comment letter (please refer to response B8-16 and accompanying matrix).
- B8-2** Please refer to common response INT2 regarding the adequacy of the EIR/EIS and purpose of the EIR/EIS. The analysis conducted in the EIR/EIS is based on thresholds established by the appropriate agencies as of the date of publishing the EIR/EIS, including the use of San Diego County's approved noise ordinance and CPUC's current ruling and guidelines regarding EMF. Any evaluation and resulting impact determination in the EIR/EIS based on future studies and thresholds not yet established would not be possible and would be outside the scope and purpose of the EIR/EIS. Please also refer to common response NOI14 regarding future thresholds; common response WR1 regarding construction water sources; and common response NOI4 regarding the levels of low frequency noise generated by the proposed wind turbine project.
- B8-3** Please refer to common response INT3 with regard to the deferral of mitigation measures. As noted in this response, the Proposed PROJECT implements all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. The CPUC and BLM have committed themselves to incorporate all reasonable mitigation and mitigation would only be deferred to a later date if it is impractical to create specific mitigation this early in the planning process. Please also refer to common response INT2 with regard to the purpose of the EIR/EIS.
- B8-4** Please refer to common response WR1 with regard to identification of sufficient water supply and to INT3 with regard to the deferral of mitigation measures.
- B8-5** Please refer to common response INT3 with regard to the deferral of mitigation measures. Mitigation Measure BIO-1d states: "The Habitat Restoration Plan shall include success criteria and monitoring specifications and *shall be approved by the permitting agencies* prior to construction of the project." This language provides that the County would approve any Habitat Restoration Plan prior to its implementation.

- B8-6** Please refer to common response INT2 with regard to the adequacy of the EIR/EIS and common response INT3 with regard to deferral of mitigation measures. Please also refer to responses in Attachment A (response B8-15) that are included within the County’s Public Review Comment Matrix (please see responses B8-15-: 6-8; 9; 12-15; 18; 23; 26; 27; 31-35; 37; 75; 114-116; 118; 119; 121; 132; 133; 152; 171-175; 177-179; 182; 186; 187; 197; 199-201).
- B8-7** Please refer to common response INT2 regarding the adequacy of the EIR/EIS. The EIR/EIS, Section D Environmental Analysis, presents a discussion of residual effects after each issue area which provides the rationale why certain impacts cannot be mitigated either through mitigation measures or alternatives.
- B8-8** In response to this comment, Section D.3-9, Residual Effects (ECO-VIS-1) has been modified in the Final EIR/EIS in accordance with 40 CFR 1502.9.
- These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii).
- B8-9** Please refer to common responses in Section 2.6, Cultural Resources, of Volume 3 of the Final EIR/EIS.
- B8-10** Please refer to common response INT2 with regard to the adequacy and purpose of the EIR/EIS. Also refer to common response INT3 regarding the adequacy of the mitigation measures for purposes of this EIR/EIS. Section H, Mitigation Monitoring and Reporting of the EIR/EIS provides the recommended framework for effective implementation of the mitigation monitoring compliance and report program (MMCRP) by the CEQA lead agency for the ECO Substation project, CPUC, and the NEPA lead agency for both the ECO Substation and Tule Wind projects, BLM. The County of San Diego may use the MMCRP for their permitting processes.
- B8-11** The comment pertaining to the adequacy of the Section D.3 Visual Resources impact analysis as it relates to the provision of adequate rationale to substantiate impact determinations is noted. Please refer to common response INT2, regarding general adequacy of the EIR/EIS, and common response INT3, regarding implementation of mitigation measures.
- B8-12** The comment is noted. As proposed, Mitigation Measure BIO-5b is flexible and permits special-status species plant compensation through plant salvage and

relocation *or* through off-site land preservation and off-site preservation would be implemented pursuant to agency approval as identified in Table D.2-12 of the EIR/EIS. As discussed in Table D.2-12, for impacts on County jurisdiction land the County would review habitat restoration plans, habitat acquisition plans, and long-term habitat management plans, and ensure their implementation.

Please refer to common response INT3, which pertains to mitigation deferral.

B8-13

The mitigation measures provided for Impact FF-3, especially Mitigation Measure FF-3 (Provide Assistance), provide for direct mitigation of the project's potential effect on firefighting capability. A development agreement has formally been agreed upon by San Diego Rural Fire Protection District and the applicants for Tule Wind (Comment Letter D15.1) and the ESJ Gen-Tie projects, which will provide for training and equipment that will increase the effectiveness of responding fire fighters around energized facilities. Important components of the agreements include funding for training of local firefighters on focused fire attack at substations, wind facilities, and around energized facilities, purchase of foam capabilities that are essential to fighting fire sourcing in electrical facilities, and other apparatus and equipment as deemed necessary by the fire authority to effectively perform its mission. Mitigation Measures FF-2, FF-5, and FF-6 all provide additional measures that will affect the ability of responding fire fighters to protect lives and property. Mitigation Measure FF-2 provides for numerous safeguards and precautions during construction and ongoing maintenance that result in fewer potential ignitions and ongoing brush management to reduce the likelihood that ignitions escape, thus reducing the likelihood that firefighting near electrical facilities will be necessary. Mitigation Measure FF-4 provides for customized fire protection plans for each project. The fire protection plan identifies the fire risk and documents measures incorporated into the project to reduce the likelihood of ignitions, again, reducing the likelihood for firefighting personnel at the sites. Mitigation Measure FF-6 provides for one-time, lump sum FireSafe Council funding for preparation of a community wildfire protection plan and evacuation plan. A development agreement has been formalized between San Diego County Fire Authority and the applicant (Comment Letter D15.2) for the Tule Wind and ESJ Gen-Tie projects. The funding would be used to staff a full-time inspector who would enforce abatement codes, thus providing direct assistance to firefighters charged with protecting private assets in the area. The combined mitigation focuses on reducing potential ignitions, strengthening site staff ability to extinguish ignitions, increasing defensibility of structures, and training and equipping responding firefighters to work around electrically charged facilities, reducing Impact FF-3 to Class II for the Tule Wind and ESJ Gen-Tie

Projects (see Final Section D.15, Fire and Fuels Management). Because SDG&E's Fire Protection Plan (Mitigation Measure FF-4) has yet to be received and assistance to SDRFPD and SDCFA in supporting fire code specialist positions (Mitigation Measure FF-3) has yet to be provided by SDG&E to SDRFPD and SDCFA, mitigation effectiveness for the ECO Substation Project is not known; therefore, Impacts FF-2 and FF-3 are considered unavoidable (Class I) for purposes of the analysis conducted in the EIR/EIS.

B8-14 The comment is noted.

B8-15 For responses to Attachment A (Public Review Comment Matrix), see the comment/response matrix that follows. All comments made in the matrix will be included in the administrative record. All revisions to the EIR/EIS, as indicated in responses to comments in the matrix, do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B8-16 Attachment B, Groundwater Investigation Report prepared by Geo-Logic Associates, December 2010, has been reviewed and incorporated into the EIR/EIS in Section D.12, Water Resources, as well as considered in preparing common response WR1.

Attachment C, Full Traffic Impact Study for the Tule Wind Project prepared by Linscott, Law & Greenspan (February 18, 2011) has been reviewed and is referenced in the Final EIR/EIS Section D.9, Transportation and Traffic.

Attachment D, Tule Wind Project Major Use Permit Storm Water Management Plan, prepared by HDR Engineering, November 2010, has been reviewed. The information in the revised draft document would not alter the conclusions in the EIR/EIS. Mitigation measure HYD-4 in Section D.12 Water Resources of the DEIR/DEIS, requires that the project prepare a SWMP and implement BMPs to reduce impacts to below a level of significance.

Attachment E, Tule Wind Project CEQA Drainage Study, prepared by HDR Engineering, November 2010, has been reviewed and noted. The information in the revised draft document would not alter the conclusions in the EIR/EIS, and therefore, no changes to the EIR/EIS have been made.

Attachment F, Draft Archaeological and Historical Investigations for the Energia Sierra Juarez U.S., Major Use Water Extraction Permit (MUP) Application was

incorporated into the Final EIR/EIS. Please refer to response B8-15-114. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

Attachment G, Biological Letter Report for the ESJ Gen-Tie Project (AECOM 2011) was reviewed and has been incorporated into Section D.2, Biological Resources of the Final EIR/EIS. The results of this study indicate that impacts to potentially CDFG and County jurisdictional riparian areas would result from the off-site well access road associated with the ESJ Gen-Tie Project. The off-site resources, impacts, and applicable mitigation measures have been incorporated into the ESJ Gen-Tie Project in the Final EIR/EIS. These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines and under NEPA, do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
General Comments					
1.0	General Comment	All	The name of Pacific Wind LLC has changed to Tule Wind LLC. Revise throughout entire document and appendices.		All references to Pacific Wind Development in the EIR/EIS have been revised to reflect Tule Wind, LLC.
2.0	General Comment	East County Substation	A portion of the ECO 138 kV Transmission line cuts across a dedicated County Open Space Easement (Recorded # 82-355323) along Mile Posts 6 and 7 on parcel numbers 659-110-20 and 659-110-19. The open space easements are for the protection of sensitive biological and cultural resources. A separate letter will be sent to SDG&E about the Land Use Jurisdictional rights the County has with the easements, but the DEIR/EIS should address the environmental analysis and mitigation that is required in order for SDG&E or the County to vacate the openspace easement for the portions of the 138kV line encroachment. Also See Cultural Resource comment # 109 and biological resource comment #34.1.		Refer to responses 34.1 and 109 below.
3.0	General Comment	All figures that reference Rough Acres Ranch	Include APNs 611-091-14, 611-090-015, 612-030-15, 612-091-13, 612-091-12, and 612-092-13 as part of Rough Acres Ranch, as currently shown on the project submittal for Tule Wind Farm received by the County of San Diego.		CEQA/NEPA laws and regulations do not require that APNs be shown. Project location information provided in the EIR/EIS is sufficient and is provided in accordance with Section 15125, Environmental Setting, of the CEQA Guidelines.
4.0	General Comment	All figures that reference Jordan Wind Energy project	APNs 612-091-13 and 612-091-12 are shown as part of Jordan Wind Energy, but they are currently shown on the project submittal for Tule Wind Farm received by the County of San Diego.		CEQA/NEPA laws and regulations do not require that APNs be shown. Project location information provided in the EIR/EIS is sufficient and is provided in accordance with Section 15125, Environmental Setting, of the CEQA Guidelines.
5.0	General Comment	CEQA FINDINGS	CEQA requires agencies to make the following findings pursuant to section 15091: (1) that mitigation measures "have been required in, or incorporated into, the project which mitigate or avoid the project's significant impacts"; (2) that such measures are the responsibility of another agency and have been, or can and should be, adopted by that other agency; or (3) that mitigation is infeasible and overriding considerations outweigh the project's significant impacts. (<i>Federation of Hillside and Canyon Associations v City of Los Angeles</i> (2000) 83 Cal.App. 4th 1252, 1260 (Citing Publ. Resources Code section 21081)). The purpose of these provisions is to ensure that the mitigation measure "will actually be implemented." (<i>Federation of Hillside and Canyon Associations, supra</i> , 83 Cal.App. 4th 1252, 1261). The County does not believe that all these required findings could be made for several reasons detailed within this letter. In general, the reasons include: (1) lack of technical documentation to substantiate the conclusions in the EIR/EIS, (2) deferral of analysis (whole of the action) (3) deferral of mitigation, and (4) lack of substantiation for significant and unmitigated impacts (Class I).		Refer to common response INT3. As noted in this response, the Proposed PROJECT implements all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. The CPUC and BLM have committed themselves to incorporate all reasonable mitigation and mitigation would only be deferred to a later date if it is impractical to create specific mitigation this early in the planning process. Please also refer to common response INT2.
6.0	GENERAL	GENERAL	Pursuant to CEQA, further substantiate ALL Class I, significant and unmitigable conclusions by exploring what the potential mitigation would be and why that mitigation would be infeasible or expand upon why feasible mitigation does not exist. For example, in Section D.3, Visual Resources, Table D.3-7 describes significant and unmitigable impacts associated with the ECO Substation component of the Proposed PROJECT; however, the discussion should also further disclose any potential mitigation measures such as screening or different and less impactful designs and treatments. Currently, the text states that "other than undergrounding the transmission line . . . the impact could not be reduced to below a level of significance." This existing text is referring to an alternative to the Proposed PROJECT which would reduce the impact, rather than potential mitigation measures. Albeit infeasible, in order to make the required CEQA Findings pursuant to section 15093, any potential mitigation measures must be explored further. This information is required to be included in the EIR/EIS pursuant to CEQA Guidelines section 15093 and is necessary for the County to make significance findings pursuant to that section of CEQA.	MAJOR ISSUE: RATIONALE FOR CLASS I IMPACTS	Refer to common responses INT2, INT3, BIO9, and WR1.
7.0	GENERAL	GENERAL	Each Class I impacts, the EIR/EIS must include a specific CEQA conclusion which states the implications of that unmitigated impact and the reasons why the project is still being proposed without an alternative design (CEQA Guidelines section 15126(b)).	MAJOR ISSUE: CEQA FINDINGS/ RATIONALE FOR CLASS I IMPACTS	Refer to common responses INT2 and INT3. As required by CEQA Guidelines Section 15126(b), the EIR/EIS Section G.3 discusses significant environmental effects that cannot be avoided if the project is implemented.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
8.0	GENERAL	GENERAL	<p>The EIR can rely on subsequent approvals of permits or plans only if there are specific "performance criteria", it is clear that the plan is achievable, and it is clear that the level of significance will be reduced. In <i>Endangered Habitats League, Inc. v County of Orange</i> (Cal.App. 4th Dist. 2005) 131 Cal.App. 4th 777, the court explained: "Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan. On the other hand, an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report." For example, MM BIO-1d requires impact to be mitigated by revegetation pursuant to a future Habitat Restoration Plan. This mitigation simply requires the applicant to obtain reports and then comply with whatever recommendations are made in the reports without the mitigation measure providing specific "performance criteria" to make the plan achievable. In fact, the mitigation measures defers success criteria and monitoring specifications to the future Habitat Restoration Plan. Therefore, it is not possible for the County to make the required finding that this mitigation measure is effective because without more specific details to measure success of the revegetation, it is not clear that the plan is achievable. Other similar examples of mitigation deferral are as follows: MM BIO-4a Dust Control Plan, MM BIO-2b Wetland Mitigation Plan, MM BIO-10b Avian Protection Plan, Conceptual Revegetation Plan, MM TR-1, a Conceptual Traffic Control Plan, MM HYD 5-6 SWMP, and MM HYD-3 Groundwater Study.</p>	<p>MAJOR ISSUE: CEQA FINDINGS/MITIGATION DEFERRAL</p>	<p>Refer to common response INT3. As noted in this response, the Proposed PROJECT implements all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. The CPUC and BLM have committed themselves to incorporate all reasonable mitigation and mitigation would only be deferred to a later date if it is impractical to create specific mitigation this early in the planning process. Please also refer to common response INT2.</p>
9.0	GENERAL	GENERAL	<p>The EIS/EIR is required to provide a clear and specific rationale explaining how the measure avoids, minimizes, rectifies, and/or reduces the significant environmental effect. This information is required to be included in the EIR/EIS pursuant to CEQA Guidelines section 15091 and is necessary for the County to make significance findings pursuant to that section of CEQA. For example, Section D.3, Visual Resources, Table D.3-6 presents the mitigation monitoring, compliance, and reporting program for each impact and mitigation measure included in that chapter. However, the text fails to provide factual support and rationale for all the CEQA conclusions/determinations stated. Specifically, each mitigation measure described in this table includes "effectiveness criteria" but these statements merely restate the impact and mitigation measure without providing the needed rationale as to why or how these measures would serve to reduce the impact. Under CEQA, this mitigation measure cannot be found (or relied upon) to mitigate impacts to a less than significant level. Further, when a mitigation measure is found to be "required in, or incorporated into, the project," the measure "must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (14 CCR section 15126.4). For example, MM BIO-5b references an "agency-approved plan" for special status plant species compensation. Further, it states that this will occur through plant salvage and relocation and off-site land preservation. The County typically does not accept plant salvage and relocation as feasible mitigation. However, if the Conceptual Revegetation Plan provides evidence that relocation is feasible, such mitigation may be accepted. This information must be included in the EIR in order for a CEQA finding to be made that impacts to these resources would be mitigated or less than significant.</p>	<p>MAJOR ISSUE: CEQA FINDINGS/MITIGATION TO LESS THAN SIGNIFICANT RATIONALE</p>	<p>Refer to common responses INT3. As noted in this response, the Proposed PROJECT implements all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. The CPUC and BLM have committed themselves to incorporate all reasonable mitigation and mitigation would only be deferred to a later date if it is impractical to create specific mitigation this early in the planning process. Please also refer to common response INT2. The following text is being added to Section D.3.7: "Installation of highly visible transmission structures as well as the introduction of a new 138 kV transmission line along an alignment that is currently void of similar industrial elements would result in a strong contrast with the existing visual landscape. Also, due to proximity and location, recreationalists on the identified County trails would be afforded unobstructed views of the proposed transmission line at inferior viewing angles. Additional treatments applications would not be able to conceal these project elements such that the resulting visual impact would be reduced to less than significant levels. Also, the installation of appropriate vegetation to screen transmission structures and the 138 kV transmission line would not be feasible (and would likely not survive in a semi-arid desert environment) along entire new transmission corridor."</p>
10.0	A. Intro/Overview	Table A-2 Pg. A-19	<p>Add the following County authorizations to the table for each of the following projects: 1. SDG&E: Fire Service Agreement with County, Open Space vacation 2. Tule: Fire Service Agreement, Plan Amendment Authorization (PAA) General Plan Amendment (GPA), Zoning Ordinance Amendment, groundwater extraction Major Use Permit. 3. ESJ: Plan Amendment Authorization (PAA) General Plan Amendment (GPA), Groundwater Extraction Major Use Permit.</p>		<p>Comment noted and text revised to include authorizations that were not already included in the table.</p>

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
11.0	Project Description	B.2.1	The Northern most transmission tower is proposed to be located on the substation property, which is not within the County's Land Use Authority. Through conversations with the CPUC the northern most ESJ tower would need to be permitted as a part of the East County Substation. Add 5th/North ESJ Transmission Tower to ECO project description.		The ESJ Gen-Tie Project's northern most transmission tower, though it may be located on the ECO Substation property, would not be built as part of the ECO Substation Project, and would only be built in conjunction with construction of the ESJ Gen-Tie Project. Therefore, consideration of the northernmost transmission tower is appropriately considered in the EIR/EIS with the entire ESJ Gen-Tie Project.
12.0	Project Description B.5.2.5	B.162	The EIR does not adequately address the groundwater extraction permit Major Use Permit P10-014 in all sections of the EIR. The Groundwater Extraction Use is a connected action to the ESJ US Gen-Tie P09-008. Include plot plans and location map of the proposed project along with detailed analysis in each section of the EIR/EIS of the project component. The County has provided additional Cultural and Biological Surveys that cover the impacts caused from installing the water well location driveway.	MAJOR ISSUE: Groundwater extraction permit. CEQA ISSUE: WHOLE OF THE ACTION	Refer to common responses PD1 and INT2.
13.0	Project Description	B.3.2.4 Water Usage	The DEIR must include substantial evidence of adequate water supply for both operation and construction project components. Please document will serve letters from the Sweetwater Authority and any other water providers as an Appendix to the DEIR.	MAJOR ISSUE: WATER SUPPLY	Refer to common response WR1.
14.0	Project Description	B.3.2.4 Water Usage	SDG&E: The use of onsite water wells should be prohibited unless adequate CEQA level groundwater investigation is completed to ensure that the local groundwater supply is not impacted.	MAJOR ISSUE: GROUNDWATER SUPPLY ANALYSIS	Refer to common response WR1.
15.0	Project Description	B.4.2.4 Water Usage	Tule: The water usage section needs to be revised after changes are made from comments to section D.12 Water Resources and comments provided to the Tule Groundwater Investigation dated December 2010 prepared by Geo-Logic Associates.	MAJOR ISSUES: GROUNDWATER SUPPLY ANALYSIS	Text edited to reflect most recent information and be consistent with edits in Section D.12, Water Resources.
16.0	B.5.1.2, Location	2nd Paragraph	Replace the word "Site Distance" with "Sight Distance" in two sentences.		Comment noted and text in Section B.5.1.2 has been revised.
C. Alternatives					
17.0	C. Alternatives	C.5.2.6	The Tule 138kV underground alternative is not clear as to why it was screened out. Is this alternative different from alternatives 2 (C.4.2.2) and 4 (C.4.2.4) because they both propose to underground the 138kV line. How is the C.5.2.6 alternative different? Clarify which 138kV Gen-Tie is not feasible when the other two are feasible. Also explain why a 12% grade prohibits undergrounding.		As described in Section C.5.2.6 of the EIR/EIS and shown on Figure C-2, the Tule Undergrounding the Proposed 138 kV Tie-Line Alternative would underground the 138 kV Tie line from the proposed Tule Wind Collector substation located in the vicinity of turbine E-3 along the same overhead alignment as proposed by the Tule Wind Project to the proposed Boulevard substation upgrade. This alternative was not carried forward as described due to the steep slopes and rugged terrain with slopes in excess of 12% which would make undergrounding infeasible along a majority of this route. A maximum allowable slope of 12% for undergrounding of transmission lines was provided by SDG&E (SDG&E, Data Request Response 6, dated May 7, 2010. Response is available at: http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/DR/ECOResponse6.pdf) As described in Section C.4.2.2 and C.4.2.4 of the EIR/EIS and shown on Figure C-2, the Tule Wind Alternative 2, Gen Tie Route 2 Undergrounding with Collector Substation on Rough Acres ranch (see Section C.4.2.2) and Tule Wind Alternative 4, Gen Tie Route 3 Undergrounding with Collector Substation on Rough Acres Ranch (see Section C.4.2.4) would underground the 138 kV from the alternative collector substation located on Rough Acres Ranch, in the vicinity of the southern end of the proposed turbines (turbine G-19), to the proposed Boulevard substation upgrade using either the alternative Gen-Tie Route 2 to the east or alternative gen-tie route 3 to the west as described. These routes are considerably shorter than the proposed route and avoid steep slopes and rugged terrain (slopes do not exceed 12%), and therefore are considered to be feasible and would have the potential to reduce environmental impacts and therefore were carried forward for full analysis.
D.2 Biological Resources					
18.0	D.2, Bio	D.2, MM-BIO 1d	MM BIO-1d refers to a Habitat Restoration Plan. This plan (County Conceptual Revegetation Plan) must be provided as evidence of feasible mitigation. If a plan is proposed for mitigation of direct habitat and species mitigation, it must have specific performance standards to be feasible. Therefore, at a minimum, plans must be provided as conceptual plans in the EIR/EIS and reviewed for adequacy by the County of San Diego for impacts within that jurisdiction. Please also see General Comments under Major Issues: Mitigation Deferral.	MAJOR ISSUE: DEFERRAL OF MITIGATION	Refer to common responses INT3 and BIO8.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
19.0	D.2, Bio	D.2, MM-BIO 1d	It was previously commented that biological impacts that will be allowed by right (i.e. in ROW) must be considered permanent and be fully mitigated. Revegetation of areas that are considered "temporary" should be revegetated for erosion control purposes only, not as mitigation. Revegetation for temporary impacts to wetland or jurisdictional wetlands should be the only revegetation used for mitigation. While the EIR/EIS has been revised to state that "if restoration of temporary impact areas is not possible to the satisfaction of the permitting agencies, the temporary impacts shall be considered a permanent impact and compensated accordingly", it should be noted that the County will not accept revegetation for temporary habitat impacts for lands within it's jurisdiction.		MM-BIO-1d allows for flexibility by requiring that temporary impacts be restored sufficient to compensate for the impact to the satisfaction of the permitting agencies . If the County will not accept revegetation for temporary habitat impacts, then, in accordance with the provisions of MM-BIO-1d, the temporary impact shall be considered a permanent impact and compensated accordingly (direction for compensation is provided under MM-BIO-1e).
20.0	D.2, Bio	D.2, MM-BIO 1e	Discussion of Proposed Mitigation Site: In order to demonstrate feasibility of this mitigation measure, the plan for the proposed mitigation for biological impacts for all three projects need to be discussed in the EIR. See ESJ Biological Study for proposed mitigation area to the east of the project site. ECO sub should consider mitigating adjacent to the same area as ESJ has proposed.		Refer to common responses INT3 and BIO8. Mitigation site will be specified in agency-approved mitigation plans.
21.0	D.2, Bio	D.2, MM-BIO 1e	MMBIO 1e mitigation ratios should be determined based upon the area of impacts to the specific habitat type. The County allows mitigation for List B & C and Group II sensitive species to be included with habitat mitigation because these species are generally habitat generalists. For the other species List A and Group I, the MM should be specific to the individual species.		As proposed, Mitigation Measure BIO-1e contains the following language: "permanent impact to all native vegetation communities shall be compensated through a combination habitat compensation and habitat restoration at a minimum of a 1:1 ratio or as required by the permitting agencies". Mitigation Measure BIO-1e is designed to address permanent impacts number of vegetation communities and therefore, while the mitigation ration provided in the measure is general, the measure does provide for habitat compensation or restoration to occur at a ratio required by the permitting agency. Because the County of San Diego has land use jurisdiction over portions of the Tule Wind and ESJ Gen-Tie Projects, the County will have the opportunity to review and approve plans to ensure that impacts on County jurisdictional lands are mitigated in accordance with established County mitigation ratios. '
22.0	D.2, Bio	D.2, MM BIO 1e, 5b and 7h	Habitat Preservation Timing: MM BIO 1e, 5b and 7h: The mitigation must be in place before the impacts occur. Compensatory habitat mitigation includes demonstration that land with similar function and quality is preserved and managed in perpetuity.		Refer to common response INT-3. Mitigation timing will be specified in agency-approved mitigation plans.
23.0	D.2, Bio	D.2, MM BIO 1e, 5b and 7h	While the EIR/EIS has been revised to include the option of fee payment for habitat mitigation, fee payment would not be accepted by the County for habitat impacts within it's jurisdiction and is considered infeasible mitigation.	MAJOR BIO ISSUE: FEE PAYMENT INSTEAD OF HABITAT DEDICATION	As proposed, Mitigation Measure BIO-1e contains the following language: "permanent impact to all native vegetation communities shall be compensated through a combination habitat compensation and habitat restoration at a minimum of a 1:1 ratio or as required by the permitting agencies". Mitigation Measure BIO-1e provides for habitat compensation or restoration to occur at a ratio required by the permitting agency. Because the County of San Diego has land use jurisdiction over portions of the Tule Wind and ESJ Gen-Tie Projects, the County will have the opportunity to review and approve plans to ensure that impacts on County jurisdictional lands are mitigated in accordance with established County mitigation standards.
24.0	D.2, Bio	D.2-170	It was previously commented that the EIR/EIS states that the Tule Wind Project would have an adverse but less-than-significant impact on linkages or wildlife movement corridors. However, sufficient information has not been provided to determine whether the Tule project will have a significant effect on wildlife movement. Baseline data and project impact analysis are very weak related to wildlife movement especially for the Tule portion of the project. The EIR/EIS refers to "evidence" that terrestrial wildlife would acclimate to operating wind turbines and move between and around them but no specific references to studies was provided to substantiate this claim. It was also previously commented that Wildlife movement impacts must be analyzed including the potential impacts from down draft created by the turbines as well as turbine separation. The revised EIR/EIS does not include any information regarding potential impacts from down draft nor turbine separation.		The Final EIR/EIS has been revised to include additional data and discussion related to the impacts of the Tule Wind Project on wildlife movement.
25.0	D.2, Bio	Figure D.2-9	It was previously commented that the bighorn sheep symbol looks like turbine location. The color of the symbol was changed slightly in the revised EIR/EIS but is still confusing. The shape of either symbol should be changed to limit confusion.		Figure D.2-9 has been revised in the Final EIR/EIS to distinguish between proposed Tule Wind turbines and bighorn sheep occurrence data points.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
26.0	D.2, Bio	D.2, MM BIO 4a	MM BIO 4a references a Dust Control Plan. This plan must be provided to staff for review as a feasible mitigation/design measure. Please also see General Comments under Major Issues: Mitigation Deferral.	MAJOR ISSUE: MITIGATION DEFERRAL	Refer to common responses INT3 and BIO8.
27.0	D.2, Bio	D.2-143	MM BIO-5b references an "agency-approved plan" for special status plant species compensation. Further, it states that this will occur through plant salvage and relocation and off-site land preservation. The County typically does not accept plant salvage and relocation as feasible mitigation. However, if the Conceptual Revegetation Plan provides evidence that relocation is feasible, such mitigation may be accepted. This information must be included in the EIR in order for a CEQA finding to be made that impacts to these resources would be mitigated or less than significant. Please also see General Comments under Major Issues: Required CEQA Findings.	MAJOR ISSUE: CEQA FINDINGS/MITIGATION TO LESS THAN SIGNIFICANT RATIONALE	Refer to common responses INT3 and BIO8.
28.0	D.2, Bio	D.2, MM BIO 7k	MM BIO 7k was removed from the EIR/EIS as a result of a habitat assessment which was performed for the barefoot banded gecko within the Tule project area. Page D.2-156 contains contradictory information. First it states that "suitable habitat may exist within its preferred microhabitat of rocky boulders and outcrops along portions of the project area" and then states "a habitat assessment on Tule Wind Project area by herpetologist Eric A. Dugan in June of 2010 states that the Tule Wind Project does not contain suitable habitat for the barefoot banded gecko". The EIR/EIS should be updated to eliminate this contradiction. If suitable habitat does exist within the project area, surveys should be conducted at this time to determine the potential impacts and proposed mitigation measures to mitigate any significant impacts to that species.		The following revision has been incorporated into the Final EIR/EIS: "While suitable habitat could seemingly exist within its preferred microhabitat of rocky boulders and outcrops along portions of the project area, a habitat assessment on the Tule Wind Project area by herpetologist Eric A. Dugan in June of 2010 concludes that because the barefoot banded gecko has only been documented along a narrow zone along the desert slopes and has not been recorded at elevations above 2,300 feet, the Tule Wind Project does not contain suitable habitat for this species (Appendix N of HDR 2010a)."
29.0	D.2, Bio	D.2-48	In the section discussing the turkey vulture, it is stated that "since thorough surveys have been conducted, nesting in the proposed project area <u>may</u> be unlikely". This section should be revised to say that nesting "would" or "would not" be likely based on those previous surveys.		The following revision have been incorporated into the Final EIR/EIS: "since thorough surveys in the area have been conducted and no nests have been recorded, nesting in the Proposed PROJECT area is thought to be unlikely."
30.0	D.2, Bio	D.2-3	According to the EIR/EIS, rare plant surveys are still ongoing and the results have not yet been incorporated. These results must be incorporated and analyzed in order to determine whether the project would have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species. The rare plant surveys would help to provide the required technical studies/supporting documentation to base the conclusions of the analysis.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	Rare plant surveys were completed for the Tule Wind Project in November 2010. The results of those surveys have been incorporated into the Final EIR/EIS.
31.0	D.2, Bio	D.2-152	In the section discussing the Pocketed Free-Tailed Bat, it was indicated that acoustic surveys for a mine shaft that has roosting potential for this species was not yet available. If this mine shaft is being utilized by bats for roosting, the significance of this impact must be analyzed including the degree to which sensitive bat species will be displaced. Although the EIR/EIS currently lists mitigation measures for the assumed impact to the pocketed free-tailed bat, mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a determination of whether the impact has been mitigated to less than significant must be made once the surveys are complete. The EIR/EIS should be updated accordingly once the acoustic survey is completed.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	Tule Wind LLC has provided more recent data regarding acoustical noise monitoring and this information has been incorporated into the Final EIR/EIS.
32.0	D.2, Bio	D.2-29	The entire project area was not surveyed. In areas where survey access has been denied there should be a corresponding project redesign or project alternative that eliminates those areas from the project area.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	The areas not surveyed are associated with Alternatives 1 and 3 of the Tule Wind Project. Therefore, because the entirety of the proposed Tule Wind Project has been surveyed, a corresponding redesign or alternative that eliminates those areas from the project is not required. A footnote pertaining to areas not surveyed has been added to Table D.2-1 of the Final EIR/EIS.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
33.0	D.2, Bio	D.2, MM BIO 2b	MM BIO-2b references a wetland mitigation plan (Conceptual Revegetation Plan). This plan must be part of the EIR to determine the feasibility of the mitigation. For example the proposed Tule Wind project includes a road that will cross Tule Creek which qualifies as a Resource Protection Ordinance (RPO) wetland. The Tule BTR as well as the DEIR/EIS must quantify all impacts to this RPO wetland. A determination must be made whether the proposed crossing of Tule Creek qualifies under Section 86.604(a)(5) of the RPO. The DEIR/EIS must include findings in accordance with the RPO detailing why there is no feasible alternative to reduce or eliminate impacts to the RPO wetland. Additionally, all RPO impacts must be fully mitigated in accordance with the RPO which requires no net loss of wetlands and mitigation at a 3:1 ratio (1:1 creation and 2:1 restoration/enhancement). Please also see General Comments under Major Issues: Mitigation Deferral. Tule Project.	MAJOR ISSUE: MITIGATION DEFERRAL	Refer to common responses INT3 and BIO8.
34.0	D.2, Bio	D.2, Impact BIO 10	Impact BIO 10 and concludes that the Tule portion of the project will result in a Class I (significant unmitigable effect) but the ECO and ESJ portions of the project could be mitigated to less than significant. A portion of this mitigation (MM BIO 10b) relies on the creation of an Avian Protection Plan. This plan must be included as part of the EIR/EIS to determine the feasibility of the mitigation and to make a determination of whether the impact has been mitigated to less than significant. Please also see General Comments under Major Issues: Mitigation Deferral.	MAJOR ISSUE: MITIGATION DEFERRAL	Refer to common responses INT3 and BIO8. In addition, a draft Avian and Bat Protection Plan has been prepared and is under review with wildlife agencies (per HDR Engineering).
34.1	D.2 Biology	SDG&E ECO 138 kV line	A portion of the ECO 138 kV Transmission line cuts across a dedicated County Open Space Easement (Recorded # 82-355323) along Mile Posts 6 and 7 on parcel numbers 659-110-20 and 659-110-19. These easements should be plotted on all graphics. The open space easement is for the protection of sensitive biological resources. The DEIR/EIS should address the environmental analysis and mitigation that is required in order for SDG&E or the County to vacate the openspace easement for the portions of the 138kV line encroachment. The DEIR should quantify the impacts to the biological resources within the easement that are within the right of way and should propose mitigation at a ratio no less than 2:1.		In response to this comment, Section A, Introduction/Overview (Table A-2), Section D.4.1.2 (ECO Substation Project 138 kV Transmission Line), Section D.4.3.3 (Impact LU-2, ECO Substation Project), Appendix 7 have been modified in accordance with CRF 1502.9 (b). Table A-2 has been revised for the ECO Substation Project to clarify that written consent from the DPLU Director would be required in order for SDG&E to place utility poles and access roads with the open space easements located between MP 6 and 7 of the ECO 138 kV transmission line alignment (see Figure B8-1) . Section D.4.1.2 has been revised to identify that between MP 6 and 7, two proposed transmission line structure and segments of access roads would be located in dedicated County open space easements. A consistency analysis has been prepared and has been incorporated into Section D.4.3.3 (Impact LU-2) for the ECO Substation Project. Lastly, the consistency analysis presented in Appendix 7 has been revised accordingly for policies pertaining to Open Space easements.
TULE BIOLOGICAL RESOURCE REPORT					
35.0	Tule BTR	Section 1.4.6.2	In the report, it was indicated that there is a golden eagle nest within 500 feet of a proposed turbine on the project site. More information must be incorporated and analyzed in order for a CEQA finding to be made that impacts to these resources would be mitigated or less than significant. Based on the County Guidelines for Determining Significance, alteration of habitat within 4,000 feet of an active golden eagle nest can only be considered less than significant if a biologically based determination can be made that the project would not have substantially adverse effect on the long term survival of the identified pair of golden eagles. Additionally, a map was not provided showing the potential golden eagle foraging areas in relation to the 10 known golden eagle nests.	MAJOR ISSUE: CEQA FINDINGS/MITIGATION TO LESS THAN SIGNIFICANT RATIONALE	Refer to common response INT4.
36.0	Tule BTR	Section 2.1.3.2	A confidential map (not for public review) should be provided for staff to analyze the potential impacts to golden eagles. The map should show the 10 known golden eagle nests and the 4,000 foot zone around each of the nests in relation to the proposed impact areas. A map was not provided for staff review.		Refer to common response INT4.
37.0	Tule BTR	Section 2.2.1	The report indicates that temporary habitat impacts will be revegetated to County of San Diego standards. A Conceptual Revegetation Plan should be submitted as mitigation for temporarily impacted habitat. A Conceptual Revegetation Plan was not attached to the report but it was referenced that it is currently being prepared. The Conceptual Revegetation Plan must be part of the EIR to determine the feasibility of the mitigation. Please also see General Comments under Major Issues: Mitigation Deferral.	MAJOR ISSUE: MITIGATION DEFERRAL	Refer to common response INT4.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
38.0	Tule BTR	Section 2.2.2.2	The report states that the proposed project will result in temporary impacts to bats during project construction. The report should also detail whether the proposed project will have any permanent impacts on bats and explain why or why not. In the revised report, it was indicated that one existing mine shaft that will be impacted by the proposed project is being assessed for bat use. If this mine shaft is being utilized by bats for roosting, the significance of this impact must be analyzed including the degree to which sensitive bat species will be displaced. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a CEQA determination must be made of whether the impact has been mitigated to less than significant.		Refer to common response INT4.
39.0	Tule BTR	Section 2.2.4	In the report, it is indicated that temporarily impacted drainages will be returned to their pre-construction state. Details were not provided regarding mitigation for impacted RPO drainages. The analysis must include examination of consistency with RPO and a determination of whether the County's no-net-loss policy for RPO wetlands has been achieved.		Refer to common response INT4.
40.0	Tule BTR	Section 2.3.1	The report does not include adequate evidence/data regarding wildlife movement. Wildlife movement impacts must be analyzed including the potential impacts from down draft created by the turbines as well as turbine separation. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a CEQA determination of whether the impact has been mitigated to less than significant must be made.		Refer to common response INT4.
41.0	Tule BTR	Section 3.2	Guidelines 3.1 (4) and 3.1 (9) on page 3-2 of the revised report state, "The proposed project shall not result in significant impacts under the following guidelines for the following reasons", but did not provide the reasons. The report should be revised accordingly.		Refer to common response INT4.
42.0	Tule BTR	Section 3.2.1	Survey results are missing for several plant species in the report. Once the survey results are complete, they should be incorporated into the report and a determination of significance made according to the threshold. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a CEQA determination of whether the impact has been mitigated to less than significant must be made.		Refer to common response INT4.
43.0	Tule BTR	Section 3.4.2.3	The report indicates that consultation is still ongoing with the USFWS regarding Quino impacts. Once more information is available from consultation with the USFWS, the report should be updated and a CEQA determination of significance made. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a determination of whether the impact has been mitigated to less than significant. The report should also be revised to remove references to how the County has handled Quino mitigation in the past. Impacts to Quino and required mitigation are under the jurisdiction of the USFWS.		Refer to common response INT4.
44.0	Tule BTR	Section 3.5	The report was updated to include a portion of Section 86.604(a) of the RPO. Conditions (5)(dd), (5)(ee) and (5)(ff) on page 8 of the RPO should also be listed. The report should also provide a brief discussion under each of the conditions describing how the proposed project meets each of these conditions.		Refer to common response INT4.
45.0	Tule BTR	Section 5.2	On page 7-2 of the report, it is stated under guideline 7.1(2) that the project is not located in an area that has been identified by the County or other resource agencies as critical to future habitat preserves. Under the proposed East County MSCP, a portion of the project site has been designated as "area of critical environmental concern". Guideline 7.1(2) should provide a discussion of this designation and detail how the proposed project will not preclude or prevent the preparation of a subregional NCCP.		Refer to common response INT4.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
46.0	Tule BTR	Section 7.2	Impact BIO 1- MM BIO-1a indicates that per acre mitigation will be provided for habitat impacts within County of San Diego jurisdiction. The report has not been updated to indicate where per acre mitigation will be provided. The report should be updated accordingly.		Refer to common response INT4.
47.0	Tule BTR	Appendix K	The proposed project in the EIR/EIS includes an "unsurveyed area" which consists of reservation lands for which the project proponents do not have legal rights. This unsurveyed portion for which legal rights have not been obtained should not be included as part of the proposed project referenced in the EIR/EIS.		Refer to common response INT4.
D.3 Visual Resources					
48.0	D.3 Visual	Page D.3-66	Mitigation vs. APM. Impact VIS-1 concludes that impacts to scenic vistas from trails and pathways would result from the visibility of the 138 kV transmission line. Mitigation is provided in MM VIS-1a and 1b; however, the mitigation is the placement of proposed structures at the "maximum feasible distance" or the placement of the proposed structures to avoid sensitive features. Neither of these mitigation measures are truly effective mitigation measures, rather these are more appropriately considered visual APMs. Furthermore, the inclusion of the term "maximum feasible distance" is inadequate in terms of a mitigation measure but would be appropriate for an APM.		As discussed in Table D.3-6, Mitigation Measures VIS-1a and VIS-1b provide flexibility for the land use agency with jurisdiction over the 138 kV transmission line (in this case the County of San Diego) to determine maximum feasible setback of transmission structures from sensitive viewing locations to reduce visual impacts. The monitoring/reporting action component of these measures would permit the County to review construction plans and provide comment regarding transmission structure setbacks at highway crossing locations. However, the EIR/EIS determines that even with implementation of Mitigation Measures VIS-1a and VIS-1b, the visual impacts to scenic vistas resulting from implementation of the ECO Substation Project and the Tule Wind Project would be significant and unmitigable (Class I) (see Section D.3.9, Residual Effects, for further discussion of significant and unmitigable visual impacts). Therefore, even if mitigation were implemented to alter the location of proposed transmission structures and wind turbines as viewed from highway crossings and sensitive resources areas, the measures would not substantially lessen the visual impacts to a level less than significant.
50.0	D.3 Visual	Visual Simulations, All Kop Figures	In our previous comment letter, the County made several comments as to the validity and composition of the visual simulations. The consultants responded by disclosing the technical challenges in the EIR/EIS; however, this does not explain why each visual simulation does not visually demonstrate the entirety of the development proposal. Any simulation with the transmission line should show the vegetation cleared underneath the lines and simulations for the ECO Substation should include views of the proposed entrance road, water tank and proposed loop-in.		Please refer to common response VIS1 regarding adequacy of the Draft EIR/EIS visual simulations.
D.4 Land Use					
51.0	D.4 Land Use	D.4.2.3 Pg. 70	Add GP Policy 2.4 Multiple Rural Use 18.		Policy has been added to Section D.4.2.3, County of San Diego Existing General Plan (Land Use Element).
52.0	D.4 Land Use	Table D-4.7	This table needs mile posts to determine how much of the 138kV Tie Line is within the Multiple Rural Use (18) area. Update all graphics as well.		Table D-4.7 has been revised in the Final EIR/EIS to clarify how much of the 138 kV transmission line traverses the Multiple Rural Use (18) General Plan Designation.
53.0	D.4 Land Use	D.4.2.3 Pg. 70-91	Update the Plan Policies per comments made in Appendix 7 below.		Plan policies in the Final EIR/EIS have been revised per the County's comments regarding Appendix 7.
54.0	D.4 Land Use	D.4.2.3 Pg. 90	The large Wind Turbine Regulations (6951 ZO) have been updated. A new Policy and Ordinance Update has been Initiated POD 10-007. This Wind Ordinance Amendment will propose changes to the existing Wind Turbine Regulation setback, height, and siting criteria.		The Final EIR/EIS (Section D.4.2.3, County of San Diego Zoning Ordinance) references the County's intent to update regulations governing large wind turbine systems and notes that an approval date for the new regulations has not been set. A review of the Interim Wind Ordinance (Ordinance No. 10073) indicates that the setback requirements and maximum height regulations are the same as currently established in the existing large wind turbine system regulations.
55.0	D.4 Land Use	D.4.3.3 Pgs 105	Impact LU-3: ECO Substation. The East County Substation does not comply with the General Plan Policies of the Current and Draft General Plan or Community Plans. See the comments provided in Appendix 7 Below. One example is that it does not comply with the Policy 2.4 Multiple Rural Use (18) because there are significant impacts to resources for the ECO Substation. Revise accordingly.		The Final EIR/EIS has been revised to identify inconsistencies between policies of the Existing General Plan Land Use Element and the Existing Mountain Empire Subregional Plan and the ECO Substation Project. However, as discussed in Section D.4.3.3, the County of San Diego has no land use jurisdiction over the ECO Substation Project and therefore, the project is not required to be consistent with local planning documents.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
56.0	D.4 Land Use	D.4.3.3 Pgs 106	Impact LU-3: Tule Wind: The portions of the Tule project within County jurisdiction does not comply with the existing General Plan Policies and the existing Mountain Empire Subregional Plan. <u>GP.MRU-18</u> ; It does not comply with the Policy 2.4 Multiple Rural Use (18) because there are significant impacts to resources. <u>MESRP Industrial 11</u> ; It does not comply with Industrial Policy 11 because it proposes wind turbines that have significant visual impacts. The applicant has indicated that they would apply for a Plan Amendment Authorization in accordance with County Board of Supervisors Policy I-63, which would authorize a General Plan Amendment. This section and conclusion needs to be revised based upon this comment. Also see the comments provided in Appendix 7 below.		The Final EIR/EIS has been revised to identify inconsistencies between policies of the Existing General Plan Land Use Element and the Existing Mountain Empire Subregional Plan and the Tule Wind Project. However, as indicated by the County in their comment, Tule Wind LLC is currently seeking a General Plan Amendment and a Subregional Plan Amendment to rectify identified inconsistencies. Therefore, if the GPA and Subregional Plan Amendment are approved by the County, the Tule Wind Project would be consistent with policies of the Existing General Plan Land Use Element and the Existing Mountain Empire Subregional Plan.
57.0	D.4 Land Use	D.4.3.3 Pgs 106	Impact LU-3: Tule Wind: The portions of the Tule project within County Jurisdiction (Turbines R.1-R-12) does not comply with the Large Wind Turbine Regulations in Zoning Ordinance Section 6951 because the project does not meet the setback and height requirements. The applicant has indicated that they are going to request a Zoning Ordinance Amendment in accordance with Section 7500 et. al. of the Zoning Ordinance. There are no specifics of the request, but the applicant has indicated that they will request to modify the requirements to allow the project as it is proposed. This section and conclusion needs to be revised based upon this comment. Also see the comments provided in Appendix 7 below.		The Final EIR/EIS has been revised to identify inconsistencies between regulations governing large wind turbine development and the proposed Tule Wind Project. However, as indicated by the County in their comment, Tule Wind LLC is currently seeking a Zoning Ordinance Amendment to rectify identified inconsistencies. Therefore, if the ZOA is approved by the County, the Tule Wind Project would be consistent with County's wind turbine regulations.
58.0	D.4 Land Use	D.4.3.3 Pgs 107	Impact LU-3: ESJ: The ESJ project within County Jurisdiction does not comply with the existing General Plan Land Use Policy 2.4 Multiple Rural Use (18) because there are significant impacts to resources. The applicant has indicated that they would apply for a Plan Amendment Authorization in accordance with County Board of Supervisors Policy I-63, which would authorize a General Plan Amendment. This section and conclusion needs to be revised based upon this comment. Also see the comments provided in Appendix 7 below.		The Final EIR/EIS has been revised to identify inconsistencies between policies of the Existing General Plan Land Use Element ESJ Gen-Tie Project However, as indicated by the County in their comment, Energia Sierra Juarez U.S. Transmission LLC is currently seeking a General Plan Amendment to rectify identified inconsistency. Therefore, if the GPA is approved by the County, the ESJ Gen-Tie Project would be consistent with all policies of the Existing General Plan Land Use Element.
59.0	D.4 Land Use	D.4.4; to D.4.7 Alternatives Pgs. 108 to 142.	Revise this section for all project alternatives based upon comments made above about inconsistency between General Plan, Community Plan, and Zoning Ordinance.		Based on the responses provided above, revisions to Section D.4.4 through Section D.4.7 are not required. The LU-3 impact analysis for alternatives relies on the LU-3 analysis for the Proposed PROJECT and therefore, because impact determinations have not been revised in the Final EIR/EIS, additional revisions to the LU-3 impact analysis for alternatives is not required.
Appendix 7					
60.0	Appendix 7	Table 7-2 Page 7-44 and Table 7-3 Pg. 7-76	The portions of the Tule Wind and ESJ US Gen-Tie Projects within the jurisdiction of the County of San Diego may not be consistent with the existing General Plan Land Use Element Policy 2.4, specifically the Multiple Rural Use (18) category. The policy states that, "...development cannot occur unless the proposed development has been carefully examined to assure that there will be no significant adverse environmental impacts, erosion and fire problems will be minimal, and no urban levels of service will be required." The EIR has identified numerous Class I or significant unavoidable impacts for both projects including, Visual Resources, Cultural Resources, Noise, Air Quality, and Wild Land Fire and Fuels Management.		The consistency analysis associated with individual projects (the ECO Substation Project, the Tule Wind Project, and the ESJ Gen-Tie Project) and existing General Plan Land Use Element Policy 2.4 (Multiple Rural Use (18) designation) presented in Appendix 7 has been revised in the Final EIR/EIS. While the consistency determination has been revised the impact determination identified in Section D.4.3.3 of the Final EIR/EIS has not changed. Refer to Appendix 7 analysis for detail.
61.0	Appendix 7	Table 7-2 Page 7-44	Further analysis should be conducted to determine if the specific Class I impacts are related to the portions or components of the Tule Wind Project that are within the County Jurisdictional areas. The specific portion of the Project subject to the Multiple Rural Use (18) is the 138 kV Generation Tie Line from a bit north of I-8 to the Boulevard Substation. The County does not agree that the Project is consistent with the Existing General Plan Policies. A General Plan Amendment may be required to be consistent		The Final EIR/EIS has been revised to clarify that a General Plan Amendment would be necessary in order for the Tule Wind Project to ensure consistency with Existing General Plan Land Use Element Policy 2.4 (Multiple Rural Use (18) designation) (see Appendix 7 analysis).
62.0	Appendix 7	Table 7-3 Page 7-76	The portions of the ESJ US Gen-Tie Project within the jurisdiction of the County of San Diego may need a General Plan Amendment to be consistent with the Multiple Rural Use (18) category.		The Final EIR/EIS has been revised to clarify that a General Plan Amendment would be necessary in order for the ESJ Gen-Tie Project to ensure consistency with Existing General Plan Land Use Element Policy 2.4 (Multiple Rural Use (18) designation) (see Appendix 7 analysis).

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
63.0	Appendix 7	Table 7-2 Page 7-44-45	Conservation Element Policy 4 and 6 (X-22): The Groundwater Analysis is incomplete at this time see comments provided in Section D-12. If the proposed groundwater extraction from the three wells on Rough Acres do not supply adequate amount of water, the proposed alternatives of Jacumba Service District, Live Oak Springs require a Groundwater Extraction Permit from the County. These permits are not analyzed within this EIR. Revise all sections of the Appendix 7 accordingly.		Revision (required Groundwater Extraction Permit) has been incorporated into the Final EIR/EIS in Appendix 7.
64.0	Appendix 7	Table 7-2 and 7-3	GP Update: Delete Policy LU.6-10 - it is not relevant to the project.		Policy LU.6-10 has been deleted from the text (Section D.4.2.3 and Appendix 7).
65.0	Appendix 7	Table 7-2 and 7-3	GP Update: Add a discussion of Land Use Policies LU.6-8, 6-9 and 18-1.		Draft General Plan Update Land Use Element Policies LU-6.8 and 6.9 have been added to Section D.4.2.3 in the Final EIR/EIS and are analyzed for consistency in Appendix 7. Draft General Plan Update Land Use Element Policy LU.18-1 has not been added to Section D.4.2.3 or analyzed for consistency in Appendix 7. Policy LU-18.1 pertains to the compatibility of civic uses with community character (civic uses are defined as libraries, small swap meets, farmers markets, etc.) and since the Proposed PROJECT does not propose new civic uses as defined in the Draft GPU, the policy is not applicable.
66.0	Appendix 7	Table 7-2 and 7-3	GP Update: Add a discussion of Conservation Element Policies COS 11-1, 11-3, 12-1, 12-2, 13-1, 14-10 and 14-11.		Draft General Plan Update General Conservation Element Policies COS-12.1, -14.10 and -14.11 have been added to Section D.4.2.3 and to Appendix 7 for consistency analysis in the Final EIR/EIS. Draft General Plan Update General Conservation Element Policies COS-11.1, -11.3, -12.2, and -13.1 were not added to Section D.4.2.3 and Appendix 7 because these specific policies pertain to the protection of visual resources. The Proposed Project is analyzed for consistency with applicable visual resource policies in Appendix 6.
67.0	Appendix 7	Table 7-2 and 7-3	GP Update: Add a discussion of Safety Element Policies S-3.1, S-3.2, S-3.3, S-4.1, S-8.2, and S-10.5.		Draft General Plan Safety Element Policies S-3.2, S-4.1, S-8.2, and S-10.5 have been added to Section D.4.2.3 and to Appendix 7 (for consistency analysis) of the Final EIR/EIS.
68.0	Appendix 7	Table 7-2 page 7-60 and Table 7-3 page 7-87	GP Update: Delete the discussion of Safety Goal S-4. The analysis should not have a discussion on individual goals, rather the policies and/or implementation measures only.		Draft General Plan Safety Element Goal S-4 has been deleted from Section D.4.2.3 and from Appendix 7 in the Final EIR/EIS. Additionally, based on the direction received from the County in this comment, all goals have been deleted from Section D.4.2.3 and from Appendix 7 in the Final EIR/EIS.
69.0	Appendix 7	Table 7-2 Page 7-67	Boulevard Community Plan: LU Policy 1.3.2 - the Project is not consistent with this policy as currently proposed. The Policy is mislabeled in the draft Plan (1.2.2).		Draft General Plan Update Boulevard Subregional Planning Area Community Plan Policy LU 1.3.2 has been numbered correctly in Section D.4.2.3 and in Appendix 7 of the Final EIR/EIS and the Tule Wind Project's (specifically wind turbines located on County jurisdictional lands) inconsistency with the policy has been identified in Appendix 7.
70.0	Appendix 7	Table 7-2 Page 7-68	Boulevard Community Plan: LU Policy 6.1.2 - the Project may not be consistent with this policy. It needs to be reevaluated.		The consistency analysis associated with the Tule Wind Project and Draft General Plan Boulevard Subregional Planning Area Community Plan Policy LU 6.1.2 has been re-examined in the Final EIR/EIS. With approval of the pending ZOA to address current inconsistencies between the Project and setback and height regulations of the Zoning Ordinance, the Tule Wind Project (components located on County jurisdictional lands) would be consistent with the zoning ordinance and with this community plan policy.
71.0	Appendix 7	Table 7-2 Page 7-73	Zoning Ordinance 6951: The Tule Project does not comply with the Large Turbine Regulations within Zoning Ordinance Section 6951. Specifically, the project does not comply with the maximum turbine height of 80 feet and the turbine setbacks. An applicant or County initiated ordinance change would need to be approved to allow for the turbine component of the County portion of the Tule Wind Project.		The Final EIR/EIS has been revised to identify inconsistencies between regulations governing large wind turbine development and the proposed Tule Wind Project. However, as indicated by the County in their comment, Tule Wind LLC is currently seeking a Zoning Ordinance Amendment to rectify identified inconsistencies. Therefore, if the ZOA is approved by the County, the Tule Wind Project would be consistent with County's wind turbine regulations.
72.0	Appendix 7	Table 7-2 Page 7-71 and Table 7-3 Page 7-90	Existing Mountain Empire Subregional Plan: The proposed project may not comply with the existing Mountain Empire Subregional Plan Policy Industrial 11.0.		See responses to County Section D.4 comments regarding the Proposed PROJECT and potential inconsistencies with Existing Mountain Empire Subregional Plan Industrial Policy 11.
D.5 Wilderness and Recreation					
73.0			No Further Comments		
D.6 Agriculture					
74.0			No Further Comments		
D.7 Cultural and Paleo Resources					

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
75.0	D.7 Cultural	General Comment	All sites must be tested for significance and the analysis must be provided in the EIS/EIR. Any Sites located within the jurisdiction of the County of San Diego must comply with the Resource Protection Ordinance (RPO) and CEQA. It is not adequate to provide preliminary assessments. Significance assessments cannot be made based solely on surface expression. In addition, impact determinations and proposed mitigation must be included in the discussion.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	Assessment of archaeological site significance in the Draft EIR/EIS in Section D.7.2.2. considered criteria identified in Guidelines Section CEQA Statutes Section 21083.2(g) and 15164.5. These CEQA Guidelines do not dictate the extent of investigation required to make a determination of a resource's potential significance. The Draft EIR/EIS characterizes the ability of archaeological sites to address the significance criteria stated in Section 21083.2(g) and 15164.5 based on an exhaustive description of density and variability surface artifacts, and comparison of the site to known the characteristics of well-developed type sites in the project vicinity. Conservative determinations regarding potential site significance are made- the only site types...
					...that are considered not eligible for listing on the NRHP and CRHR are those that clearly cannot fulfill significance criteria such as 15164.5 (D). Has yielded, or may be likely to yield, important information in prehistory or history: . For example, CA-SDI-19618, -19619, -19621, and -19622 surface artifacts suggest that they do not have subsurface depth or represent more than an isolated, ephemeral prehistoric occupation (Engineering-Environmental Management, Inc. 2010). These sites therefore do not appear potentially eligible for listing on the NRHP as a "historic property" and CRHR as "historical resource" (CEQA Guidelines Section 15064.5) under Criterion D, because the sites are not "likely to yield information important to prehistory or history." ...
					...The sites would not be a "unique archaeological resource" as defined by CEQA Statutes Section 21083.2(g), because they do not contain information needed to answer important scientific questions. Therefore, the sites are not considered potentially significant cultural resources.
76.0	D.7 Cultural	General Comment	Provide trinomials for all archaeological sites.		Trinomials are listed except for those sites that have not been assigned the designation from the South Coastal Information Center, CHRIS, San Diego State University
77.0	D.7 Cultural	General Comment	The mitigation measures for cultural resources should be revised to <u>require</u> a Native American monitor at culturally sensitive locations and during ground disturbing activities.		Draft EIR/EIS Mitigation Measure CUL-1A states, "A Native American monitor may be required at culturally sensitive locations specified by the lead agency following government-to-government consultation with Native American tribes. The monitoring plan in the CRTP shall indicate the locations where Native American monitors shall be required and shall specify the tribal affiliation of the required Native American monitor for each location." Therefore, the decision to include a Native American monitor would result from requests made during consultation with affected tribes.
78.0	D.7 Cultural	General Comment	All Native American consultation should take place prior to the finalization of the EIR so that it can be determined whether TCPs will be impacted or avoided by the proposed project.		If Native American consultation is not concluded prior to the finalization of the Final EIR/EIS, the unavoidable adverse impact finding (Class I) shall remain.
79.0	D.7 Cultural	Page D.7-13, Paragraph 1	Page D.7-13 does not make sense as it states that CA-SDI-6115 was relocated and then states further on "because no evidence of prehistoric activity was observed, the two previously recorded archaeological sites CA-SDI-2720 and CA-SDI-6511 are not considered historic resources". Indicate what resources for CA-SDI-6155 were relocated in the field (e.g., the lithic and ceramic scatters) and how the determination of it not being considered historic resources was established. Otherwise, perhaps the first sentence is a typographical error and the paragraph should state that CA-SDI-6115 was NOT relocated. Please correct as appropriate.		The Final EIR/EIS text has been revised to clarify that no evidence of CA-SDI-2720 was observed, and that CA-SDI-6115 was relocated; however, no specific agave roasting pits were observed, only a sparse prehistoric ceramic and stone tool flake scatter. Because no evidence of prehistoric activity was observed at CA-SDI-2720 and only sparse remains were rerecorded at CA-SDI-6115, the two previously recorded archaeological sites CA-SDI-2720 and CA-SDI-6115 are not considered "historic resources," pursuant to NRHP and CRHR eligibility criteria.
80.0	D.7 Cultural	Page D.7-17	Page D.7-17 states that "five new sites and three isolates were identified during the current field survey" which are listed in Table D.7-4. Table D.7-4 only includes four sites (CA-SDI-19066, CA-SDI-19068, CA-SDI-19069, and CA-SDI-19070) and three isolates (P-37-0129818, P-37-030190, P-37-03091). Please revise the information in Table D.7-4 to include the one missing site (presumably CA-SDI-19067)		Information on CA-SDI-19067 has been added to Final EIR/EIS Table D.7-4

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
81.0	D.7 Cultural	Page D.7-19	Page D.7-19 states that site CA-SDI-7063 contains a rock shelter, however, the eligibility evaluation indicates that "based on the extremely sparse nature of the artifact scatters noted at the previously listed sites, it is likely that these prehistoric sites are not potentially eligible for listing on the NRHP and CRHR." The County disagrees with this statement for site CA-SDI-7063 as rock shelters are not a common resource found in San Diego County and are potentially very significant and often sacred to local Native American tribes. The County believes that site CA-SDI-7063 is considered a significant historic property under NRHP and a significant historic resource under CEQA. The site is also likely a "unique" archaeological resource as defined by CEQA. Further review of this resource is needed in the EIR and appropriate mitigation provided to account for project impacts to this significant site.		The EIR/EIS preparer concurs that CA-SDI-7063 is potentially eligible for listing on the NRHP and CRHR based on characteristics noted on the ground surface, including the rock shelter.
82.0	D.7 Cultural	Page D.7-21	Page D.7-21 states that a total of 39 previously recorded sites were found within the 2008 ROW and the updated record search resulted in an additional seven sites within the APE in 2009 (totaling 46 sites). Table D.7-5 shows 47 archaeological sites. Please correct this discrepancy in the data.		The Final EIR/EIS text has been revised to state that "the search identified a total of 40 previously recorded archaeological sites within the 2008 ROW."
83.0	D.7 Cultural	Page D.7-25	Page D.7-25 indicates that there are 102 total new sites identified within the ROW and APE for the Tule Wind Project and then states that they are listed in Table D.7-6. Table D.7-6 indicates that there are 108 new resources. Please correct this discrepancy in the data.		The Final EIR/EIS text has been revised to include the results of systematic archaeological surveys throughout the balance of the Tule Wind Project APE. The revised text states: "A total of 108 new sites were identified as a result of the records search and additional intensive archaeological survey. The remaining areas within the APE that had not been systematically surveyed prior to issuance of the Draft EIR/EIS were investigated in 2010 (ASM 2011)...."
					...The supplemental Class III survey identified 64 new cultural sites, and 91 isolated finds. A total of 177 cultural sites have been recorded in the Tule Wind Project APE, and 43 in the Class II sample survey.
84.0	D.7 Cultural	Page D.7-25	Table D.7-6 has no data under column "Potential Eligibility NRHP Status" for site CA-SDI-19851. Revise the table and any sections that use this information for data analysis.		CA-SDI-19851 is a lithic scatter that is considered, based on the absence of subsurface deposits, to be likely ineligible for listing on the NRHR and CRHR.
85.0	D.7 Cultural	Page D.7-25	Table D.7-6 has several temporary numbers (e.g. Tule-BC-01) rather than trinomial numbers. Please revise the table to include the trinomial numbers given when submitted to SCIC and associated text.		Permanent trinomial numbers have not been assigned by SCIC.
86.0	D.7 Cultural	Page D.7-31	Page D.7-31, first paragraph, remove the term "aboriginal."		"Aboriginal" has been deleted.
87.0	D.7 Cultural	Page D.7-31	Page D.7-31, remove "historic petro glyph" and replace with "historic carving."		"petroglyph" has been revised to state "rock carving."
88.0	D.7 Cultural	Page D.7-31, paragraph 2	Revise the data as follows: Twelve of these are prehistoric sites (either large or small campsites); one is historic-period Highway 80, one contains both prehistoric and historic components; and one is a historic home site. Also indicate what site CA-SDI-6119 is in this discussion as it is not included in Table D.7-8.		"Thirteen of these sites..." has been changed to "Twelve of these sites..." The Draft EIR/EIS states that CA-SDI-6119 has been determined by testing to not be eligible for listing on the NRHR and CRHR.
89.0	D.7 Cultural	Page D.7-32, last paragraph	Revise the data as follows: Of the sixteen previously unrecorded cultural resources, seven were lithic reduction areas (one had a ceramic shard associated with it), two were lithic scatters, one was a ceramic scatter, and there were six isolates (ceramic and lithic).		Changes have been made consistent with the comment.
90.0	D.7 Cultural	Page D.7-32, last paragraph	Revise the following sentence, "The remaining five newly recorded sites within the ESJ Gen-Tie APE, CA-SDI-19480, -19484, -19485, -19486, -19489, have not been evaluated for their eligibility..."		Changes have been made consistent with the comment.
91.0	D.7 Cultural	Page D.7-33	Table D.7-8 does not include site CA-SDI-6119 which according to Page D.7-51 will be directly impacted by the proposed project. Revise the table to include CA-SDI-6119 and any associated text.		Changes have been made consistent with the comment.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
92.0	D.7 Cultural	Page D.7-34, first paragraph	Revise the following sentence, "Additionally, the sites are potentially "unique" archaeological resources..."		The Final EIR/EIS has been revised to state: "Additionally, the sites are not "unique" archaeological resources as defined by CEQA Statutes Section 21083.2(g), because they may do not contain information needed to answer important scientific questions; there may be is not demonstrable public interest in that information; and they may or not be directly associated with a scientifically recognized, important prehistoric event.
93.0	D.7 Cultural	Page D.7-51	Page D.7-51, include information regarding the County of San Diego Guidelines for Determining Significance- Cultural Resources in this section.		As the County of San Diego is not Lead Agency Under CEQA, the County of San Diego Guidelines for Determining Significance- Cultural Resources are not addressed.
94.0	D.7 Cultural	Page D.7-57, first full paragraph	It is unclear if CA-SDI-6115 was relocated or not (see previous comment). If it was relocated then there should be nine prehistoric sites listed within the ECO Substation Project.		The Final EIR/EIS has been revised to state: "CA-SDI-6115 was relocated; however, no specific agave roasting pits were observed, only a sparse prehistoric ceramic and stone tool flake scatter."
95.0	D.7 Cultural	Page D.7-57, third paragraph	The County does not agree with the analysis that there would be no indirect impact to the potentially significant, early twentieth century homestead, historic well, and corral with associated artifacts (CA-SDI-7011H). The introduction of a Substation in this area would change the original setting that may add to the significance of the site. This section should be revised to state that there is a potential impact and mitigation must be proposed.		CA-SDI-7011H is not recorded in the vicinity of the proposed ECO Substation. Rather, it is located over 250 feet south of the proposed 138kV Transmission Line. The distance of the placement of the 138kV Transmission Line would preclude any substantial change to the setting that may potentially contribute to the site's NRHP and CRHP listing eligibility.
96.0	D.7 Cultural	Page D.7-59, second paragraph	The County recommends that MM CUL-1B be revised to include that a Native American monitor also be present during all ground disturbing activities at all cultural resource ESAs.		The Draft EIR/EIS Mitigation Measure CUL-1A states, "A Native American monitor may be required at culturally sensitive locations specified by the lead agency following government-to-government consultation with Native American tribes." Therefore, the results of tribal consultation would dictate those circumstances where Native American monitors would be present during construction.
97.0	D.7 Cultural	Page D.7-60, last paragraph, first sentence	The first sentence states that there are 22 archaeological sites within the presently surveyed project APE and 10 within the ROW that may be determined eligible. It is unclear where these numbers came from as Table D.7-6 indicates 15 archaeological sites within the APE that are eligible and 10 within the ROW that may be eligible. Please clarify.		Table D.7-6 has been revised to reflect supplemental Class III archaeological survey results. This has resulted in 25 archaeological sites recorded within the Tule Wind APE that are considered potentially eligible for NRHP and CRHR listing.
98.0	D.7 Cultural	Page D.7-60	This section should evaluate the effects of the eight archaeological sites identified in Table D.7-7, page D.7-32 for the Sunrise-Powerlink Transmission Line Project, which overlaps with Tule Wind project.		Table D.7-7 has been revised to include potential NRHP- and CRHR eligibility determinations completed as part of the Tule Wind archaeological project investigations (ASM 2010, 2011). The seven sites were included in Table D.7-6 in the Draft DEIR/EIS, and considered under the Tule Wind project setting, impacts, and mitigations.
99.0	D.7 Cultural	Page D.7-61, last paragraph	It is unclear what is meant by the "remaining 10 sites within the project APE have not been formally tested." The information in Table D.7-8 indicates that there are 10 archaeological sites (plus CA-SDI-6119 which has been inadvertently left out of the table) and six isolates which total 16 resources. Since the previous paragraph discussed four sites, the remaining sites should equal 7 not 10. Please correct this in discrepancy in the data.		The Final EIR/EIS has been updated with the results of supplemental Class III surveying. Text has been revised to reflect these data.
100.0	D.7 Cultural	Page D.7-68, first paragraph	This section does not include the potentially significant early twentieth-century homestead, CA-SDI-7011H, historic well and corral identified within the ECO Substation project (discussed on Page D.7-19). This resource must be discussed in this section as a potentially adverse impact to a significant historic architectural (built environmental) resource.		The Final EIR/EIS Table D.7-3 has been revised to correct incomplete site description for CA-SDI-7011H. According to the Class III archaeological survey report (ASM 2010), CA-SDI-7011H is located 200 feet outside of the proposed 138 kV Line.
					While the proximity of the 138 kV transmission line to the these residential buildings constitutes a visual intrusion on their viewsheds, the viewshed is not a characteristic that contributes to the buildings' eligibility for NRHP or CRHR listing, and the visual intrusion does not constitute an adverse effect under 36 CFR 800 or a significant visual impact under CEQA.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
101.0	D.7 Cultural	Page D.7-68, first paragraph	The County does not agree with the statement that the replacement of the wooden poles with higher steel transmission poles would not change the character of the San Diego and Arizona Railroad and Old Highway 80, would not result in a substantial change in the historical significance pursuant to CEQA, nor create a visual impact to the existing setting. Discuss the age of the wooden poles and whether they are associated with the potentially historic resources. If of the same age as the roadway or railroad, the wooden poles may be contributing elements to the significance of the railroad and highway historic character and would need to be evaluated further as a potential impact to these if they were to be removed since they contribute to the historic setting.		The Final EIR/EIS text has been refined to clarify the basis for conclusions that removal of wooden poles and replacement with metal would be complementary to the existing metal transmission towers. The significance of the San Diego and Arizona Railroad and Old Highway 80 are based on their individual building materials relative to when they were constructed, rather than surrounding built environment including the transmission towers.
102.0	D.7 Cultural	Page D.7-76	Table D.7-10 should identify ECO-CUL 4 as a Class II or I impact based on the evaluation of impacts to the potentially historic house, well and corral (CA-SDI-7011H) and segments of Old Highway 80 and San Diego and Arizona Railroad.		Please see response to comment 101 in the matrix.
103.0	D.7 Cultural	Page D.7-78	Revise the following sentence, "Additionally the site is not a unique archaeological resource as defined by CEQA Statutes Section 21083.2(g), because they do not contain information needed to answer important scientific questions; there is no demonstrable public interest in that information; and they are not directly associated with a scientifically recognized, important prehistoric event."		The Final EIR/EIS text has been revised in this case to refer exclusively to CA-SDI-6119.
104.0	D.7 Cultural	Page D.7-78, paragraph 3	Include the primary numbers for the four historic period archaeological isolates.		The project technical report does not provide primary numbers for the isolates. The Final EIR/EIS includes the temporary designations ISO-1 through ISO-4.
105.0	D.7 Cultural	Page D.7-79, last paragraph	The County believes that this alternative would be less impactful to the built environment since the undergrounding of the lines would not impact the setting of the potentially historic house, well and corral (CA-SDI-7011H) and segments of Old Highway 80 and San Diego and Arizona Railroad. The setting may be a contributing factor in the significance of these resources.		Please see response to comment 101 in the matrix. The surrounding transmission towers are not contributing elements to the NRHP and CRHR eligibility of an Diego and Arizona Railroad and Old Highway 80.
106.0	D.7 Cultural	Page D.7-82, Impact CUL-4	The County does not agree with the conclusion that the modern project elements would not introduce long-term indirect visual impacts that would materially alter the roadway, railroad, and historic house (CA-SDI-7011H) or that it would not alter its historical significance or eligibility for inclusion in the NRHP or CRHR. Please revise this analysis to substantiate these claims since the setting would be altered which may be a contributing factor in the significance of these resources.		Please see response to comment 101 in the matrix.
107.0	D.7 Cultural	Page D.7-83, Impact CUL-4	Impact CUL-4 states that the undergrounding would remove current visual impacts to the railroad and Old Highway 80 by removing poles and lines. This section is counter to the previous information in the EIR on Pages D.7-79 and D.7-82 which states that there are no visual impacts from the poles and lines (current or proposed). The County agrees with the analysis in this section and believes that the other sections should be revised to discuss the visual impact on the setting of these historic resources.		This impact determination indicates that removal of the transmission towers and lines would reduce impacts on the view shed caused by these incursions in the landscape. Replacement of wooden poles within metal poles would have no affect on the existing massing of the towers and power lines that are visible from both transportation corridors. No change to the Final EIR/EIS is necessary.
108.0	D.7 Cultural	Page D.7-89, Impact CUL-1	Include the trinomial for the habitation site described in this paragraph.		This reference to CA-SDI-19001/19003 has been included in the Final EIR/EIS.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
109.0	D.7 Cultural		A portion of the ECO 138 kV Transmission line cuts across a dedicated County Open Space Easement (Recorded # 82-355323) along Mile Posts 6 and 7 on parcel numbers 659-110-20 and 659-110-19. The open space easement is for the protection of sensitive cultural resources. The DEIR/EIS should address the environmental analysis and mitigation that is required in order for SDG&E or the County to avoid and vacate the openspace easement for the portions of the 138kV line encroachment. As discussed in a meeting with representatives for SDG&E on November 30, 2010, the open space easement for CA-SDI-7009, might be impacted by the proposed ECO project. It was decided by SDG&E archaeologist Susan Hector that the easement did not encompass the entire archaeological site and that the open space easement (owned by the County of San Diego) should be enlarged to include the outside significant portions. This information was not included in the DEIR and must be discussed in further detail as a mitigation measure. In addition, a discussion of site CA-SDI-7009 has not been included in the entire DEIR and is a site that will be impacted by the ECO project.		Refer to response to comment 34.1, above.
110.0	D.7 Cultural	Page D.7-91, Impact CUL-1	Include the trinomial for the habitation site described in this paragraph.		Impact CUL-1 in Section D.7.5.4 has been revised to state, "This alternative has a habitation site (CA-SDI-19001/19003) located along the alternative transmission line alignment, south of I-8."
111.0	D.7 Cultural	Page D.7-95 and D.7-97, Impact CUL-4	This impact is incorrectly analyzed as historic artifacts are considered historic archaeology and not part of the built environment as Impact CUL-4 is discussing. Impacts to historic artifacts must be analyzed under CUL-1 throughout the document.		The Final EIR/EIS has been revised to state the following for Impact CUL-4, ESJ Gen-Tie Project: No historic architectural structures are recorded within the ESJ Gen-Tie APE. Therefore, no impact on historic-period structural resources would result (No Impact). This revision is referenced throughout the document.
112.0	D.7 Cultural	Page F-87, second to last paragraph	Include the historic house (CA-SDI-7011H) in this discussion.		The Final EIR/EIS has been revised to include the trinomial CA-SDI-7011 H to the description of the "potentially significant early twentieth century homestead" under Impact CUL-1 for the ECO Substation Project.
113.0	D.7 Cultural	Pg 7-26	The entire site for ESJ was surveyed and the sites were tested for significance. The ESJ Section needs to be changed to reflect this. A discussion of the significance of the sites for RPO needs to be discussed as evaluated in the report prepared by EDAW (AECOM).		The Draft EIR/EIS section D.7.1.2 Record Search and Survey Results describes that sites in the ESJ corridor have been tested. "Excavations at CA-SDI-6119, -19488, -19490, -19492, -19493, and -19494 have determined that they are not eligible for listing on the NRHP as an "historic property" and listing on the CRHR as "historic resource," or the testing has exhausted their research potential (EDAW 2010)...The remaining five newly recorded sites within the ESJ Gen-Tie APE, CA-SDI-19480, -19484, -19485, -19486, -19489 have been evaluated for their NRHP eligibility as "historic properties" and CRHR eligibility as "historic resources" (EDAW, Inc. 2010). Therefore, they are considered potentially eligible for listing on the NRHP and CRHR (CEQA Guidelines Section 15064.5) under Criterion D, because the sites are "likely to yield information important to prehistory or history."
CD.7 Cultural Specific to ESJ Water Extraction Site P10-014					
114.0	D.7 Cultural	Comment 1: ESJ H2O Permit 10-014	The EIR must include the two identified cultural resources CA-SDI-4455 and P-37-024023 that are within the MUP Water Extraction Permit area. See Cultural Resource report prepared by AECOM Stacey Jordan dated February 2011. These resources must be reviewed for evaluation under the County's Resource Protection Ordinance (RPO). The County believes that CA-SDI-4455 (the village of Hacum) is considered a "unique resource" that is significant under RPO. As such, the site must be avoided. Also, the EIR should indicate that the site should not be used as a staging area due to the high sensitivity of cultural resources in the area.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	The Final EIR/EIS has been revised to incorporate results of the AECOM 2011 ASR for the Energia Sierra Juarez U.S. Major Use Water Extraction Permit provided by the County of San Diego in their comment on the Draft EIR/EIS. The two identified cultural resources CA-SDI-4455 and P-37-024023 are identified in Table D.7-8 and discussion, and Impact CUL-1, CUL-2, and CUL-4 for the ESJ Gen-Tie Project. The intensive survey of the APE within the vicinity of CA-SDI-4455 did not identify any cultural resources associated with the village of Hacum. Subsurface testing would be conducted as an element of the MOA to verify the absence of cultural remains. Any potential adverse impacts shall be avoided pursuant to Mitigation Measure CUL-1. This can be achieved, for example by placement of protective geotextile grid and sterile fill soils within the access road.
115.0	D.7 Cultural	Comment 2: ESJ H2O Permit 10-014	The EIR must analyze sites SDI-4455 and P-37-024023 and determine if impacts will occur from the MUP Water Extraction Permit operations.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	Please refer to response to comment 114, above.
D.8 Noise					
116.0	NOISE		As previously requested, the Final EIR/EIS must include analysis addressing High and Low Frequency Noise Sources (dBC weighted noise analysis) as provided below in Table 4 from the County of San Diego Draft Noise Guidelines. This analysis must included in order to accurately determine if the project would cause a substantial permanent or periodic increase ambient noise levels in the project vicinity above levels existing without the project. There is sufficient evidence in the field of Noise that a dBC weighted noise measurement exists with Wind Turbines. This potential noise pollution needs to be analyzed to determine if it would affect adjacent or nearby property owners. The DEIR/EIS fails to analyze the project noise impacts in accordance with the CEQA Appendix G Noise section XII.c and d)	MAJOR ISSUE: DEFERRAL OF ANALYSIS - C WEIGHTED NOISE ANALYSIS	Please refer to common response NOI2, regarding analysis of audible and inaudible sound, common response INT2, regarding the general adequacy of the Draft EIR/EIS, and common response INT3, regarding mitigation measure deferral.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
117.0	D.8.3.3 Impact Analysis	See location in Figure B-22.*	Tule Wind: The concrete batch plant would be subject to the sound level limits within County Code section 36.404 because it is not considered a temporary operation (e.g. it will operate for more than three months).		As noted in Table D.8-8, Noise Level Results for Construction and Batch Plant Operations, sound levels anticipated to be generated by operation of the concrete batch were modeled and included in the Impact NOI-1 analysis for the Tule Wind Project. There is not a 3-month time period adopted within the County Code for construction activities, and the batch plant is a temporary construction activity which is exempt from Section 36.404 of the County Code.
118.0	D.8.3.3 Impact Analysis	Page D.8-18, section ECO Substation	Nighttime construction would result in a significant and unmitigated noise impact. To further support this identified construction noise impact; please show the specific area(s) of noise impact on a figure illustration. Additionally, state that the noise impact is for the operation of construction equipment during night time hour which is not in compliance with Section 36.408 within the County Noise Ordinance. Applicants have stated that locations of nighttime construction activities are unknown; however, additional information is required to disclose the "worst-case scenario" and to substantiate the significant and unmitigated impact. Pursuant to CEQA, it is not adequate to simply state construction activities cannot be mapped and conclude the impact to be unmitigable. Please see previous County comment number X which further explains required information for all Class I, significant and unmitigated impacts.	MAJOR ISSUE: CEQA FINDINGS/CLASS I IMPACTS	Please refer to common response INT2, regarding general adequacy of the Draft EIR/EIS. In addition, Section D.8.3.3 Impact NOI-1 (ECO Substation Project - ECO Substation) states that "the property line of the nearest residence would be approximately 500 feet southwest of the site." While a map of this location is not provided in Section D.8, a map has been provided in Section D.4, Land Use. The Class I impact determination for this residence is contained with the noise impact analysis pertaining solely to consistency with the County Noise Ordinance and Section 36.408 is the only section referenced in this discussion. As discussed in Section B, Project Description of the EIR/EIS, construction activities associated with the Tule Wind Project are expected to occur between 7:00 a.m. and 7:00 p.m., Monday through Saturday, but may involve extended hours as needed to complete certain construction activities. If construction for the Tule Wind Project occurs outside of the hours permitted by the County of San Diego, the applicant would follow established protocol and seek a variance from the County's noise requirements consistent with County Code Section 36.423. The applicant would also provide advanced notice to property owners within 300 feet of planned construction activities, which would include information regarding the start and completion dates of construction, and the hours of construction. In addition, implementation of APM TULE-NOI-4 would further minimize noise impacts associated with construction of the Tule Wind Project. If a variance from the County's approved construction hours cannot be obtained from the County, construction of the Tule Wind Project would not occur outside the normal hours of construction.
119.0	D.8.3.3 Impact Analysis	D.8.3.3 Impact Analysis	Rather than identifying NOI-1 for blasting as a significant impact, calculations should demonstrate that blasting activities are in compliance with existing regulations (Sections 36.409 and 36.410).	MAJOR ISSUE: CEQA FINDINGS/CLASS I IMPACTS	General areas or exact locations will be identified by results of a geotechnical investigation. Therefore, because the locations of blasting areas are unknown at this time, the impact is conservatively considered a significant impact.
120.0	D.8.3.3 Impact Analysis	Page D.8-24, last paragraph	Identify and label the locations of the construction noise impacted boundary lines. Show this in a figure illustration to further support the results on Table D.8-7.		A reference to Table 5, Construction Traffic Noise Summary, of the revised Draft Noise Analysis Report, has been incorporated into the Final EIR/EIS. The residences (Home ID) listed in Table 5 correspond to the residences (and property boundary) depicted on Figure 5 of the Draft Noise Analysis Report. The residences and boundary lines also correspond to the residences listed in Table D.8-8, Noise Level Results for Construction and Batch Plant Operations, in Section D.8 Noise of the EIR/EIS.
121.0	D.8.3.3 Impact Analysis	Page D.8-26	MM NOI-2, please identify and label the locations of the affected legally occupied properties. Show the locations where portable noise barriers are required. Quantifiable data is required to support the recommended noise mitigation measures and to justify whether noise levels could be further reduced. CPUC Response: "Table D.8-7 has the noise levels, the HDR noise report has a figure showing locations of homes. Locations of where barriers will be needed are not provided at this time." While the applicants have indicated barrier locations can not be provided at this time, quantifiable data is required to demonstrate the adequacy of mitigation measures. The document must go further and indicate locations that barriers will be required, or update the mitigation measures with the locations or planned areas.	MAJOR ISSUE: CEQA FINDINGS/MM RATIONALE	Please refer to comment 120.0, above. The locations where portable noise barriers are proposed are listed in Table 21, Barrier Reduction Results, of the Draft Noise Analysis Report (HDR 2011). The residences listed correspond to those depicted on Figure 5 of the same report. Additional analysis including the consideration of time constraints to further reduce noise levels anticipated at impacted residences, is included in Table 22, Barrier Reduction and Time Constraint Results, of the Draft Noise Analysis Report.
124.0	D.8.3.3 Impact Analysis	Page D.8-11, Table D.8-4	Revise table to be consistent with the most up-to-date County Noise Ordinance, section 36.404. S88 as shown within the DEIR Table D.8-4 must be revised. Table D.8-4 must be revised to be consistent with Table 36.404 within the County Noise Ordinance. Please remove S88 from Table D.8-4		Table D.8-4 has been revised in the Final EIR/EIS.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response															
125.0	D.8.3.3 Impact Analysis		Include a noise evaluation for proposed sonic detecting and ranging unit (SODAR). These units depending upon manufacture make a noise that can exceed 89 dB. Provide quantitative data that shows this proposed noise generating unit complies with the County Noise Ordinance, Section 36.404.		The noise analysis pertaining to operation of the SODAR units has been incorporated into the Final EIR/EIS. As stated in Section D.8 (as well as in the Draft Noise Analysis Report (HDR 2011), noise modeling indicates that no noise impacts are predicted to occur due to SODAR noise. The Draft Noise Analysis Report (HDR 2011) provides an analysis of project-related sound including the SODAR unit. The nearest residential property boundary is located approximately 4,500 feet from the proposed SODAR unit. The calculated noise contribution from the SODAR unit is less than 0 dB(A) on an hourly Leq basis at all residential property boundaries. This means that the sound levels from the SODAR experienced at residences are low enough that they fall below the reference pressure level used in calculating dB. Therefore, no noise impacts are predicted to occur due to SODAR noise. Please refer to Section 3.2 and Appendix B of the draft sound study for additional details concerning the SODAR sound emissions and modeling.															
126.0	D.8.3.3 Impact Analysis		Include the following reference Table 4, which is an excerpt from the draft County Noise Guidelines:		Since the referenced County Draft guidelines for low frequency noise are not yet adopted, this table has not been included in the Final EIR/EIS.															
<p>Whenever high or low frequency noise from industrial facilities including gas turbine power plants, transformer substations, and wind turbine systems, may exceed the allowable one-hour sound level limits measured at the property line or at any place on the property receiving the noise, the standards specified in Table 4 shall be used.</p> <p>The project would generate low or high frequency noise which, together with noise from all sources, would be in excess of the following:</p> <p style="text-align: center;"><u>Table 4.</u></p> <p>Guideline for Determining the Significance of High or Low Frequency Noise Sources</p> <p style="text-align: center;">MAXIMUM SOUND LEVEL LIMITS IN DECIBELS (dBC)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">ZONE</th> <th style="width: 25%;">TIME</th> <th style="width: 40%;">dBC</th> </tr> </thead> <tbody> <tr> <td>(1) RS, RD, RR, RMH, RRO, RC, RM, A70, A72, S81, S86, S87, S90, S92, RV, RU, and all Village zones (V1-5).</td> <td>Anytime</td> <td>The lesser of $L_{C_{90}} = L_{C_{90}} + 5$ or $L_{C_{90}} = 55$</td> </tr> <tr> <td>(2) S80, S94, and all commercial zones.</td> <td>Anytime</td> <td>$L_{C_{90}} = 65$</td> </tr> <tr> <td>(3) S82, M50, M52, M54, M56, and M58 zones.</td> <td>Anytime</td> <td>$L_{C_{90}} = 70$</td> </tr> <tr> <td>(4) S88 and public lands (see subsections (c) below)</td> <td>Anytime</td> <td></td> </tr> </tbody> </table> <p>Source:</p> <p>(a) For prominent tones or if the noise is of an intermittent character, the permitted sound level shall be the $L_{C_{90}}$ sound level standards specified in Table 1 and Table 4 reduced by five (5) dBA or dBC, respectively.</p> <p>(b) One-third (1/3) octave band sound level measurements may be used if determined that the $L_{C_{90}}$ measurements inadequately characterize the sound. If this approach is used, a five (5) dB increase in any one-third (1/3) octave band above an adjacent band shall be considered a violation of this chapter.</p> <p>(c) S88 zones are Specific Planning Areas which allow different uses. The sound level limits in Table 4 above that apply in an S88 zone depend on the use being made of the property. The limits in Table 4, subsection (1) apply to any property with a residential use. The limits in subsection (2) apply to any property with a commercial, agricultural or civic use. The limits in subsection (3) apply to any property with an industrial use that would be allowed only in an M50, M52, M54, M56, or M58 zone.</p>						ZONE	TIME	dBC	(1) RS, RD, RR, RMH, RRO, RC, RM, A70, A72, S81, S86, S87, S90, S92, RV, RU, and all Village zones (V1-5).	Anytime	The lesser of $L_{C_{90}} = L_{C_{90}} + 5$ or $L_{C_{90}} = 55$	(2) S80, S94, and all commercial zones.	Anytime	$L_{C_{90}} = 65$	(3) S82, M50, M52, M54, M56, and M58 zones.	Anytime	$L_{C_{90}} = 70$	(4) S88 and public lands (see subsections (c) below)	Anytime	
ZONE	TIME	dBC																		
(1) RS, RD, RR, RMH, RRO, RC, RM, A70, A72, S81, S86, S87, S90, S92, RV, RU, and all Village zones (V1-5).	Anytime	The lesser of $L_{C_{90}} = L_{C_{90}} + 5$ or $L_{C_{90}} = 55$																		
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(4) S88 and public lands (see subsections (c) below)	Anytime																			
127.0	EIR, Section D.8.10	Section D.8.10, page D.8-59 References.	Please update this section to include the current references for <i>Audible Noise Performance for the Construction Activities Associated with the Energia Sierra Juárez U.S. Gen-Tie Project</i> and the <i>Tule Wind Project Draft Noise Analysis Report</i> dates are not consistent most available version. Please revised accordingly.		The comment is noted and the suggested revision (for the Tule Wind Draft Analysis Report) has been incorporated into the Final EIR/EIS. The ESJ noise analysis referenced by the commenter pertaining to construction activities associated with alternatives to the ESJ Gen-Tie project. This information would only be applicable to project alternatives and Section D.8 of the Draft EIR/EIS concludes that noise impacts associated with construction of alternatives would be similar to the proposed ESJ Gen-Tie Project. Therefore, as the Draft EIR/EIS does not reference this report (the information is not provided in Section D.8), the suggested revision to the Final EIR/EIS is not necessary. The report is however available for review at the CPUC project website: http://www.cpuc.ca.gov/environment/info/dudek/ecosub/ESJ_TS.htm															

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
128.0	EIR, Section D.8.11	Table D.8-4	Include the subsection (c) from Table 36.404, County Noise Ordinance. This subsection specifically describes the applicable sound level limits for an S88 zone.		Suggested revisions have been incorporated into the Final EIR/EIS.
129.0	EIR, Section D.8.12	Section D.8.3.3. page D.8-32	Under Impact NOI-3, Tule Wind Project Section, the last paragraph (that begins with "In the analysis. . ."), please include a discussion that describes the requirements for "High or Low Frequency Noise (C-weighted requirements)" as referenced within the Table 4 above.		Please refer to common response NOI2 regarding the appropriateness of A-weighted noise measurements.
130.0	EIR, Section D.8.13	Section D.8.3.3. page D.8-32	Under Impact NOI-3, Tule Wind Project Section, Table D.8-9, please revise this table to include a new column with values for Noise level Leq dBA.		The comment is noted and will be included in the proposed record and considered during project deliberation.
D.9 Transportation and Traffic					
131.0	D.9 Transportation and Traffic	1.2, D.9-7, 2nd paragraph, 2st sentence	"County of San Diego Draft General Plan Mountain Empire Mobility Network" - Please Refer to County Bicycle Transportation Plan: http://www.sdcounty.ca.gov/dplu/docs/Bicycle_Transportation_Plan.pdf . Also, please remove all references to the City of San Diego's plan.		In response to this comment, Section D.9.1.2 has been revised to include reference to the County of San Diego Bicycle Transportation Plan and City of San Diego plan references have been removed.
132.0	D.9 Transportation and Traffic	MM TRA-1	A conceptual traffic control plan is necessary to address the feasibility of MM TR-1. The plan could be an appendix to the EIR/EIS or Traffic Study. It should address each project component with a diagram of the access routes that the construction traffic would be expected. Nodes of use should be marked such as parking areas and staging areas. Possible road closures and lane closure should be noted. The plan should present a list of measures designed to minimize traffic impacts during construction specific to each project component. The project will be required to apply for a County of San Diego Traffic Control Permit (TCP) for work within or near County ROWs where traffic operations may be affected. A construction and/or encroachment permit may also be required. The TCP will likely include a Traffic Control Plan with traffic measures and details that will be implemented to ensure that traffic operations on public roads (including motorists, pedestrians and bicyclists) during construction are adequately addressed, and may exceed measures found in standard government manuals for traffic control.	MAJOR ISSUE: MITIGATION DEFERRAL	Mitigation Measure TRA-1 is not considered mitigation deferral as a traffic control plan, which would include all measures denoted in MM TRA-1, would be implemented for all components of the Proposed PROJECT. Please refer to common response INT3, regarding deferral of mitigation.
133.0	D.9 Transportation and Traffic	MM TRA-2	During construction, road closures should be avoided to the extent possible and all measures should be taken to avoid closure of a County Circulation Element (CE) road. The conceptual Traffic Control Plan prepared for the EIR/EIS must identify if the construction plan includes any road closures and what traffic measures are need to allow traffic to pass. The impacts of detour routes and closures should be addressed in the EIR/EIS. If CE roads are proposed for closure, a detour route shall be identified and the environmental effects impacts of the detour assessed, including the amount of traffic that will be diverted onto the detour route, the duration and time frame in which the closure would take place.	MAJOR ISSUE: MITIGATION DEFERRAL	See response to comment above regarding Mitigation Measure TRA-1 above. Please refer to common response INT3, regarding deferral of mitigation.
134.0	D.9 Transportation and Traffic	Page D.9-87, References	LLG (Linscott, Law, and Greenspan Engineers) 2010 should refer to the most recent study, "Full Traffic Impact Study for the Tule Wind Project (MUP 09-019), September 13, 2010". This study was received and reviewed by the County of San Diego.		In response to this comment, all references to the LLG Traffic Impact Study have been updated to reflect the most recent study conducted in February of 2011.
Full Traffic Impact Study for the Tule Wind Project (LLG 2010)					

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
135.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	The Transportation Planning Section of the Department of Public Works has reviewed the Full Traffic Impact Study for the Tule Wind Project (MUP 09-019) dated September 13, 2010 and prepared by Linscott, Law, and Greenspan Engineers; however, the report posted online was dated March 26, 2010. The report requires revisions as detailed in the following comments below. The Full Traffic Impact Study for the Tule Wind Project (MUP 09-019) needs to be revised and incorporated into the DEIR.		This comment is noted. Please refer to common response INT4. Additionally, each section of the EIR/EIS lists references used in the preparation of that section, including the studies used to support the analysis and conclusions presented in the EIR/EIS. The referenced sections provide all studies used as reference and background material within the analysis of each applicable section of the EIR/EIS. All important data or material was incorporated directly into the analysis of the EIR/EIS. No additional information from the reports is relied upon for the analysis or conclusions aside from the specific discussion within the Draft EIR/EIS or what was included within the appendices. The EIR/EIS includes summarized technical data pursuant to Section 15147 of the CEQA Guidelines, and provides sufficient material "to permit full assessment of significant environmental impacts by reviewing agencies and members of the public." Any reports associated with highly technical analysis were made available for public review as described in Section A.6.1, Incorporation by Reference, of the EIR/EIS. As indicated in Section A.6.1, these documents are available on the CPUC's project websites: http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm http://www.cpuc.ca.gov/environment/info/aspensunrise/sunrise.htm http://www.cpuc.ca.gov/Environment/info/aspensunrise/toc-rdeir.htm . In addition, the BLM's project website provides a link to the CPUC's website, which includes project documentation: http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html . Material that is not of such a nature and could be summarized in the EIR/EIS was not included in the appendices. Additional material cited in the reference section at the end of each impact category included material utilized as source documents, which can be cited to pursuant to CEQA Guidelines, Section 15148, and are not required to be included in the EIR/EIS. All references to the LLG Traffic Impact Study have been updated to reflect the most recent study conducted in 2011.
136.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. i should note that the County's Guidelines for Significance have been updated as of February 19, 2010.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
137.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Map information in Figures 2 and 3 is not very legible. The revised Full Traffic Impact Study should provide enhanced versions of the two figures.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
138.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Figure 3 has a legend note of existing roads to be improved and new roadways. Section 4.2 (Pg.30) should include a preliminary list of the access roads that the project will improve and/or construct and the project areas that will be served by the access roads. The list should describe the road's status as Circulation Element, County maintained public, or private roads.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
139.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 16 should explain the basis for the estimate that a typical peak construction day would consist of 200 trucks and 125 employees.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
140.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 16 should provide an estimate of the volume of post-construction traffic generated by the proposed project.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
141.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 2 identifies the project will include a temporary 10-acre parking area. The TIS should identify the location of the parking area, during what period the temporary parking area will be used, and what project operations will require such a large parking area.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
142.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 26 should note that the project would be a part of cumulative impacts that may not be included in the study area roads. Therefore, mitigation will be payment into the TIF program. The Full Traffic Impact Study can reiterate the post-construction/buildout conditions (10 employees described on Pg. 16) which will be the basis of the project's TIF obligation.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
143.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	The Full Traffic Impact Study should note that prior to construction that Traffic Control and Truck Route plans may be required due to the large volume of truck traffic.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
144.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	The Full Traffic Impact Study should note that construction and encroachment permits will be required from the County and/or Caltrans for any work performed within their respective Right-of-Ways. The permits will also ensure that existing roadway conditions are maintained by the project to address potential road damages due to construction truck traffic.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
D.10 Public Health and Safety					
145.0			No Further Comments		
D.11 Air Quality					
146.0			No Further Comments		
D.12 Water Resources					
147.0	D.12.1, Page D.12-1	2nd Paragraph	Revise from "Tule Wind Project Preliminary Drainage Report Tule Wind Project Stormwater Management Plan (HDR 2010a)" to "Tule Wind Project Stormwater Management Plan (HDR 2010a)"		Correction noted and made in the EIR/EIS.
148.0	D.12.1, Page D.12-2	2nd Paragraph	Revise from "Tule Wind Project: Preliminary Drainage Report (HDR 2010b)" to "Tule Wind Project CEQA Drainage Study (HDR 2010b)"		The referenced document, the Tule Wind Project Preliminary Drainage Report that is dated September 2010, does not include CEQA in its title. No change is necessary.
149.0	D.12.1, Page D.12-3	1st Paragraph	Add a discussion as to how the project is complying with Hydromodification requirements for the portions of the project within County jurisdiction, per references "County of San Diego 2010b" and "County of San Diego 2010c"		The HDR 2010 Tule Wind Project Storm Water Management Plan states on page 11 states that "After discussions with the County of San Diego it was determined that the Project would not be subject to the County hydromodification requirements given the location of the Project [and] County of San Diego jurisdiction lands outside of Phase I and Phase II NPDES permits. Alterations to the natural watershed and stream processes (hydromodification) from the Project development are the main concern in the General Construction Permit. ... Given the current planning stage of the Project and the preliminary Post-Construction Water Balance Calculator, specific sizing and application of the General Construction Permit post construction BMPs is limited to recommendations in this report. All future design work will consider the General Construction Permit sizing requirements for included features intended to address hydromodification." In summary, hydromodification concerns will be addressed through requirements under the General Construction Permit.
150.0	D.12.1, Page D.12-4	3rd Paragraph	Insert the following heading in bold letters prior to discussion regarding the Watershed Protection Ordinance: "San Diego County Code of Regulatory Ordinances, Sections 67-801-67-815, Watershed Protection, Stormwater Management, and Discharge Control Ordinance"		Suggested change accepted.
151.0	D.12.1, Page D.12-5	3rd Paragraph	Watershed Protection Ordinance; Revise date from "January 13, 2010" to "January 8, 2011"		Suggested change accepted.
152.0	D.12.1, Page D.12-6	Impact Analysis	ECO and TULE have not prepared Stormwater Management Plans to substantiate the claims made in IMPACTS HYD- 5-6. The applicant needs to prepare the SWMP and discuss the conclusions in the EIR/EIS. MMHYD-5: A SWMP cannot be a mitigation Measure.	MAJOR ISSUE: MITIGATION DEFERRAL	As stated in Mitigation Measure HYD-4, "the applicant shall commission a SWMP in compliance with the County of San Diego Major Storm Water Management Plan. The SWMP will be project specific and ... shall include site design best management practices... The San Diego County Department of Public Works shall ensure that the SWMP is implemented as proposed." Tule has prepared a Draft Storm Water Management Plan that will be reviewed and approved by the County. As stated, in the mitigation measure, ECO Substation Project will also prepare a SWMP that will be reviewed and approved by the County and that will include the necessary BMPs to reduce impacts to a level that is considered less-than-significant. Refer to common response INT3.
153.0	D.12.1, Page D.12-7	Impact Analysis	MMHYD-1 is not a Mitigation Measure. It is required already by Law. The impacts could be changed to Class III because of the state requirement to have a SWPPP.		By incorporating the SWPPP into the project as a mitigation measure the EIR/EIS is acknowledging that the project could have potentially significant impacts without development and implementation of a project specific SWPPP as required by law. Furthermore, by creating a Mitigation Measure that requires the SWPPP, such requirements are incorporated into the Project's Mitigation Monitoring and Reporting Plan, which will serve as an additional mechanism to ensure that the SWPPP is developed and adhered to, and that ultimately impacts will be less than significant.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
154.0	D.12.1, Page D.12-8	Water Resources Impact Analysis	Mitigation Measure MM HYD-1, "to prepare a SWPPP" is not mitigation but rather compliance with regulations. Specific mitigation measures for construction activities that could degrade water quality due to erosion and sedimentation should be identified in the SWPPPs and in the Storm Water Management Plan(s). Revise mitigation measure to list specifics from the SWPPPs and SWMPs.		Refer to response to comment 154.0 above.
155.0	D.12.1, Page D.12-9	Water Resources Impact Analysis	Mitigation Measure MM HYD-6, "to prepare a Storm Water Management Plan" is not mitigation but rather compliance with regulations. Specific mitigation measures for creation of new impervious areas that could cause increased runoff resulting in flooding or increased erosion downstream should be identified in the Drainage Study(ies) and not in the Storm Water Management Plan(s). Revise mitigation measure to list specifics from the Drainage Study(ies).		Refer to response to comment 154.0 above. Similarly, incorporation of the SWMP into the EIR/EIS as a mitigation measure will ensure that the SWMP is included in the project specific MMRP, that its requirements are implemented, and that impacts will be less than significant.
156.0	D.12.1, Page D.12-10	References	County of San Diego 2010b; Revise date from "January 13, 2010" to "January 8, 2011."		Edit incorporated.
157.0	D.12.1, Page D.12-11	References	County of San Diego 2010c; Revise date from "March 25, 2010" to "January 8, 2011."		Edit incorporated.
158.0	D.12.1, Page D.12-12	References	HDR 2010a; Revise date from "September 2010" to "November 2010."		Edit not incorporated. Minor edits to the revised Stormwater Management Plan do not impact the ultimate significance determinations of the EIR/EIS. Additionally, the Storm Water Management Plan will likely undergo additional minor revisions as it is reviewed and approved by the County. To maintain the administrative record of the EIR/EIS the change is not incorporated.
159.0	D.12.1, Page D.12-13	References	HDR 2010b; Revise from "Preliminary Drainage Report" to "CEQA Drainage Study" and revise date from "September 2010" to "November 2010."		Edit not incorporated. Minor edits to the revised Preliminary Drainage Report do not impact the ultimate significance determinations of the EIR/EIS. Additionally, the Preliminary Drainage Report will likely undergo additional minor revisions as it is reviewed and approved by the County. To maintain the administrative record of the EIR/EIS the change is not incorporated.
Tule Wind Project CEQA Drainage Study (HDR 2010b)					
160.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	The Land Development Division of the Department of Public Works has reviewed the CEQA Drainage Study for the Tule Wind Project (MUP 09-019) dated November, 2010 and prepared by HDR Engineering; however, the report was not posted online. The report requires revisions as detailed in the following comments below. The CEQA Drainage Study for the Tule Wind Project (MUP 09-019) needs to be revised and incorporated into the DEIR.		Please refer to common response INT4 regarding adequacy of applicant prepared studies.
161.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Table of Contents: Revise the page numbers to match contents in report. -2.0 Drainage Patterns, revise to Page 5 -3.0 Hydrology, revise to Page 10 -4.0 Crossing Hydraulics, revise to Page 14 -5.0 Conclusion, revise to Page 18 -Tables: Revise page numbers to start Table 1 with Page 10 and Table 7 with Page 17 -Figures: Revise Figure 2 to Page 6		Please refer to common response INT4.
162.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 2, Project Description, 5th and 6th paragraphs: Revise the number of wind turbines to 12. Turbine R-7 was eliminated as previously discussed in meeting held on December 15, 2010.		Please refer to common response INT4.
163.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page "2-3", Drainage Patterns: Delete this page since the text here already appears in both pages 2 and 3.		Please refer to common response INT4.
164.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 4, Drainage Patterns, 2nd paragraph: • Revise the number of turbines from "six" to "three". Turbine R-7 was eliminated as previously discussed in December 15, 2010 meeting. • Adjust the square footage and percentage of impervious area if necessary.		Please refer to common response INT4.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
165.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 4, Drainage Patterns, 6th paragraph: <ul style="list-style-type: none"> • Revise from "impervious areas include the area of basin turbine pads" to "impervious areas include the area of six turbine pads" • Adjust the square footage and percentage of impervious area if necessary. 		Please refer to common response INT4.
166.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 5, Drainage Patterns, 2nd paragraph: <ul style="list-style-type: none"> • Revise the number of turbines from "two" to "three" • Adjust the square footage and percentage of impervious area if necessary. 		Please refer to common response INT4.
167.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 11, Table 5, Rational Method System Summary: Add another column to the left to denote "System 1" thru "System 15". It appears System/Crossings 3.3 and 3.4 are both "System 3" in Appendix F.		Please refer to common response INT4.
168.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Appendix G, Standard Crossing Plate, Figure G-1: Denote if this template is being used for all crossings that appear in Tables 6 and 7 (pages 12 and 13). Add another template if necessary.		Please refer to common response INT4.
169.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Exhibits: Add an exhibit that shows all crossings (Tule, McCain 1 & 2, systems 1 thru 15).		Please refer to common response INT4.
170.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Exhibits and Appendices: The Gen-Tie is part of the project description and is also shown on the Preliminary Civil Construction Plans. Include Basins for Gen-Tie on Exhibits and Appendices as shown on Plot Plan and Preliminary Civil Construction Plans.		Please refer to common response INT4.
D.12 Groundwater EIR Comments					
171.0	D.12, Water	3.3, PageD12-27, Paragraph 3	ECO Substation Project: The water demand has not been adequately documented for the ECO Substation Project. The text indicates approximately 30 million gallons is needed during construction. This number needs to be substantiated. Please include detailed backup assumptions behind every phase's groundwater demand. This includes road construction, concrete mixing, dust control, post-project water demand, etc.. Provide a table which provides a project schedule for each of the phases and the water demand associated with each phase. It is important that the schedule be detailed to note overlapping phases to indicate peak groundwater demand periods for the project.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	The Proponent's Environmental Assessment for the East County Substation Project, Application 09-08, SDG&E , August 2009 states that construction of the Proposed PROJECT is anticipated to use approximately 30 million gallons of water.
172.0	D.12, Water	3.3, PageD12-27, Paragraph 3	The ECO Substation reportedly requires 92 acre-feet of groundwater. A list of potential water sources are given (purchasing from a water purveyor and/or drilling wells in the vicinity of ECO substation). Until a specific source of water is identified (and secured) for the project and impacts to groundwater resources from those sources are thoroughly analyzed, the project does not have a viable source of water. This failure to adequately address water supply issues, on its own, constitutes a CEQA procedural violation. (<i>Vineyard Area Citizens, supra</i> , 40 Cal 4th at 435). Moreover, it renders the proposed "no significant impact" finding unsupported by substantial evidence.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	Refer to common response WR1

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
173.0	D.12, Water	3.3, PageD12-27, Paragraph 3	East County Substation: Evidence must be provided in the DEIR from the Sweetwater Authority to ensure that adequate water is available for construction. This failure to adequately address water supply issues, on its own, constitutes a CEQA procedural violation. (Vineyard Area Citizens, supra, 40 Cal 4th at 435). Moreover, it renders the proposed "no significant impact" finding unsupported by substantial evidence.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	Refer to common response WR1. The project intends to apply for permits with San Diego County to drill wells on the site and use one or more wells to supply the project with water during construction, as well as operations. The permitting process will include a groundwater investigation and well testing to indicate the level of water available to the project through such wells. Without this information the project cannot definitely state how much water would need to be supplied by an off-site water supplier, such as the Sweetwater Authority. The applicant will provide demonstration of compliance with all applicable laws and regulations and will obtain a County of San Diego Major Use Permit for each well to be used. The proposed project will implement all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. Such mitigation is based upon environmental review that is feasible and practical based upon project specifics known at this time. The applicable agencies have committed themselves to incorporate all reasonable mitigation and mitigation would only be deferred to a later date if it is impractical to create specific mitigation this early in the planning process. See Sacramento Old City Association v City Council (1991) 229 CA3d 1011; Defend the Bay v City of Irvine (2004) 119 CA4th 1261, 1275 (an agency may defer defining the specifics of mitigation measures if it commits itself to mitigation and lists the alternatives to be considered, analyzed, and potentially incorporated in the mitigation plan).
174.0	D.12, Water	3.3, PageD12-28	MMHYD-3: Preparation of a groundwater study cannot be considered mitigation. The preparation of a groundwater study is required for full disclosure of the potential impacts in the EIR.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	Refer to common response WR1.
175.0	D.12, Water	3.3, PageD12-28	MMHYD-3: Documentation of purchased water sources are required to be identified now and disclosed within the DEIR. The 25 million gallons of water from the Sweetwater Authority should be secured now and disclosed within the EIR. All sources of water need to be identified and secured now for full disclosure of the potential impact in the EIR.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	Refer to common response WR1 and response to comment number 173 above.
176.0	D.12, Water	3.3, PageD12-28-29	MMHYD-3: Monthly water use of up to 750 gallons of water for the limited landscaping required at the ECO Substation would result in a total water demand of 9,000 gallons per year (0.03 acre-feet per year). This would require a well that pumped at a rate of a fraction of a gallon per minute, which is a negligible amount of groundwater. There is no possibility of a significant direct or cumulative impact to groundwater resources from pumping at this rate. Please include the amount of water being used as negligible as the main reason why impacts to groundwater resources would be less than significant for this water use. Please provide backup documentation to substantiate the 750 gallons per month of landscape irrigation required.		Since changing the text would not alter the significance determination, no change is necessary.
177.0	D.12, Water	3.3, PageD12-29, Paragraph 3	The Tule Wind project reportedly requires up to 54 acre-feet of groundwater as indicated in the EIR. However, the Groundwater Investigation Report, Tule Wind Farm dated December 2010 prepared by Geo-Logic Associates and submitted to the County on December 7, 2010 indicated that up to 125 acre-feet of groundwater would be needed. This number needs to be clarified and substantiated. Please include detailed backup assumptions behind every phase's groundwater demand. This includes road construction, concrete mixing, dust control, post-project water demand, etc. An example from a separate project will be provided to show the level of detail necessary to substantiate the water demand calculations. Additionally, please provide a table which provides a project schedule for each of the phases and the water demand associated with each phase. It is important that the schedule be detailed to note overlapping phases to indicate peak groundwater demand periods for the project.	MAJOR ISSUE: CALCULATION OF WATER DEMAND	Refer to common response WR1.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
178.0	D.12, Water	3.3, PageD12-29, Paragraph 3	MMHYD-3, Tule Wind Project: Two wells are identified, one on the Rough Acres Ranch and one on the Ewiiapaayp Reservation as being proposed for use by the project. Please include the well test results from each of these wells from the Groundwater Investigation prepared by Geo-Logic Associates. The Groundwater Investigation will require revisions to revise its evaluation of potential groundwater impacts. Comments should not be transferred into the EIR until the investigation has been revised. Preliminary estimates of production indicate the well at Rough Acres Ranch could produce at a rate of approximately 50 gpm, and the well at Ewiiapaayp Reservation at a lesser rate. These two wells will not be able to meet the production rate of identified as 124 gpm nor the total amount of groundwater needed (up to 125 acre-feet). Therefore, additional sources of water are necessary to meet the demands of the project.	MAJOR ISSUE: GROUNDWATER DEMAND ANALYSIS	Refer to common response WR1.
179.0	D.12, Water	3.3, PageD12-29, Paragraph 3	Tule Wind Project: While Jacumba Community Services District has indicated they can serve ESJ Gen-Tie, there have been no groundwater studies performed to indicate water from their district would be available for Tule Wind or ECO Substation. Additionally, there have been no studies of potential impacts to groundwater from the Live Oak Springs Water Company. As has been previously commented, all water sources for this project need to be identified now and fully disclosed within the EIR. That would include the necessary groundwater investigations to evaluate potential groundwater impacts from these additional sources.	MAJOR ISSUE: WATER DEMAND	Refer to common response WR1. The December 2010 Geo-Logic Associates Groundwater Investigation Report, Tule Wind Farm, East San Diego County, California indicates that the project intends to supply construction water needs with water from one well on Rough Acres Ranch, and a combination of wells in Thing Valley on the Ewiiapaayp Reservation. The Groundwater Investigation indicates that the combination of these wells can supply the project with the maximum amount of water needed or 124 gpm. Water from the Jacumba Community Services District and the Live Oak Springs Water Company would serve as a back-up water supply. The Groundwater Investigation has not been reviewed and approved by the project's responsible agencies. Therefore, impacts to groundwater may be significant and Mitigation Measure HYD-3 still applies to the project.
180.0	D.12, Water	3.3, PageD12-29, Paragraph 3	The text indicates that there would be "three" wells used for Tule Wind Project. There are only two wells identified in the text. Please revise to describe the third well.		Correction noted and EIR/EIS edited to reflect information in the December 2010 Geo-Logic Associates Groundwater Investigation Report, Tule Wind Farm, East San Diego County, California.
Groundwater Investigation Report Tule Wind					
181.0	D.12, Water	Groundwater Investigation	The County Groundwater Geologist has reviewed the Groundwater Investigation Report, Tule Wind Farm dated December 2010 prepared by Geo-Logic Associates and submitted to the County on December 7, 2010. This report is provided as official comment and is attached herein to these comments as an appendices. The report requires revisions as detailed in the following comments below. The Groundwater investigation needs to be revised and incorporated into the DEIR.		Refer to common response INT4, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
182.0	D.12, Water	Groundwater Investigation	Major Project Issue, Additional Water Sources Needed: The groundwater investigation has not identified adequate groundwater to meet the 125 acre-feet of groundwater estimated to be needed for this project. Assuming a production rate of 50 gpm in well 6A, this well could produce approximately 60 acre-feet in nine months if pumped 24 hours a day. The Thing Valley well that was tested based on late test drawdown data, indicates the well will not sustain the 80 gpm rate at which it was tested. While no estimates were given within the report, it does appear that the Thing Valley well could conservatively produce about 20 gpm on a continuous basis for the nine-month period (24 acre-feet). With up to 125 acre-feet of groundwater required for the project, adequate groundwater resources have not been secured for the project with inclusion of these two wells. Additionally, there are complications regarding whether there will be adequate storage capacity for pumping during the evenings and weekends that require further evaluation. Additional wells or other off-site water supplies are still required to be evaluated. The groundwater investigation would be required to be revised to include additional aquifer testing, possible cumulative impacts analysis, and well interference analysis. Pursuant to CEQA, all water sources to meet the groundwater demand of the project must be identified, evaluated, and mitigation measures as necessary be provided now.	MAJOR ISSUE: WATER DEMAND	Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.

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183.0	D.12, Water	Groundwater Investigation	<p>Well Test Results, Rough Acres Ranch: The executive summary indicates that pumping at 50 gpm showed no evidence of well interference or significant depletion of groundwater in storage within the pumping well and analysis suggests that pumping could be doubled without any significant impact. Based on well testing data collected, the well is not capable of producing 100 gpm. Based on the step-drawdown data shown on Figure 2 of Appendix B, the well when pumped at 60 gpm showed a much greater rate of drawdown. As discussed on page 2 of Appendix B, a rate of 50 gpm was selected because it would allow for ample drawdown without the well running dry during the test. In evaluating the step test data, pumping at 100 gpm would likely result in a dry well after 72-hours of pumping. Please delete all statements throughout the report regarding doubling the pumping rate of the well with no significant effects as the data indicates the well's production capability could not sustain a rate of 100 gpm. The report should only discuss impacts at the rate selected for the constant rate test (50 gpm).</p>		<p>Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.</p>
184.0	D.12, Water	Groundwater Investigation	<p>Well Interference Results, Rough Acres Ranch Well 6a: The well interference results are incomplete and inadequate for County use. Calculations are required to evaluate how much drawdown is anticipated to occur at the nearest offsite well after taking into account the project's pumping rate (50 gpm) for the nine-month construction period. Please include distance-drawdown calculations using the Cooper-Jacob approximation of the equation at distances of 36ft, 100ft, 250ft, 500ft, 1000ft, and the distance to the nearest offsite production well (approximately 2,640ft+?). Please use a pumping rate of 50 gpm for a nine month period, a transmissivity of 563 feet squared per day (as calculated in the study from the semi-log plot), and a storability of 0.001. This table would be used to make conclusions regarding offsite well interference and whether a significant impact is anticipated to occur. Based on in-house calculations of drawdown, pumping at this rate would result in drawdown of approximately 5.3 ft at 1/2-mile (less than 20 feet and therefore a less than significant impact). Please remove the 5-year projection of drawdown from the report as this analysis is inappropriate for non-residential well tests. Please also include limitations associated with analyses and interpretations of the test data.</p>		<p>Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.</p>
185.0	D.12, Water	Groundwater Investigation	<p>Well Test Results, Thing Valley Well: Please include an estimated sustainable pumping rate for the Thing Valley production well that was tested based on the aquifer testing data collected. Since the well test ceased when drawdown increased, this may be difficult to make absolute assumptions based on quantitative analysis. Therefore, based on professional judgment, please at least include a qualitative analysis to provide an estimated yield.</p>		<p>Refer to common response INT4, WR1, Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011, and Geo-Logic Associates Memorandum: Qualitative Estimate of Sustainable Yield, Thing Valley, San Diego County, California. May 9, 2011.</p>
186.0	D.12, Water	Groundwater Investigation	<p>Project Description, Water Demand: The water demand has not been adequately documented for this project. In the introduction, the text states that total project groundwater demand will be 65 to 125 af with various calculations for various phases of work. Section 2.4 Water Demand indicates 60 af will be required in 9 months of construction. Please include detailed backup assumptions behind every phase's groundwater demand. This includes road construction, concrete mixing, dust control, post-project water demand, etc. An example from a separate project will be provided to show the level of detail necessary to substantiate the water demand calculations. Additionally, please provide a table which provides a project schedule for each of the phases and the water demand associated with each phase. It is important that the schedule be detailed to note overlapping phases to indicate peak groundwater demand periods for the project.</p>	<p>MAJOR ISSUES: WATER DEMAND</p>	<p>Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.</p>
187.0	D.12, Water	Groundwater Investigation	<p>Based on refined water demand estimates, the groundwater investigation needs to evaluate whether the project can meet the overall water demand including peak groundwater demands that will occur when various phases of work overlap.</p>	<p>MAJOR ISSUES: WATER DEMAND</p>	<p>Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.</p>

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
188.0	D.12, Water	Groundwater Investigation	Storage Capacity - On page 3 of the report, it states that pumping rates stipulated are based on the assumption that adequate storage space will be available to pump 24 hours a day, 7 days a week. At a pumping rate of 50 gpm, this would generate 186,000 gallons between 5 p.m. on Friday night to 7 a.m. on Monday morning. Please explain how the project will contain this amount of water over the weekends.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
189.0	D.12, Water	Groundwater Investigation	Section 3.2 Methodology: Six offsite residences are identified but were not mapped nor distances determined between the offsite wells and the pumping well 6A. In order to set a threshold on the amount of pumping allowed within well 6a, the offsite wells need to be mapped, and the distances to each of the offsite wells documented within the report.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
190.0	D.12, Water	Groundwater Investigation	Cumulative Impacts - Please evaluate potential cumulative impacts to groundwater resources based on a sustained production rate of 50 gpm for nine months from well 6a. Please eliminate doubling the pumping rate as an option as this well is not capable of producing water at rates greater than 50 gpm.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
191.0	D.12, Water	Groundwater Investigation	Section 3.5 Significance of Impacts Prior to Mitigation: This section is completely inadequate regarding making final summaries regarding well interference and cumulative impacts. Please see the County Report Formats, Section 3.1.3 and 3.3.3 of details that should be included in this section. Please include a separate heading and summary for cumulative impacts and well interference impacts. Please include the maximum drawdown anticipated to occur at the nearest offsite well after nine months of pumping Well 6a. Please also include a conclusion in regard to Well 6a and the Thing Valley well's long-term production capability and whether these wells will be capable of meeting the project's water demand. If additional wells are needed, please include a summary of the well interference, well production capability, and cumulative impacts from additional wells in this section.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
192.0	D.12, Water	Groundwater Investigation	Section 3.6 Mitigation Measures and Design Considerations: This section must be revised to indicate that while impacts based on calculated estimated drawdown in offsite wells appears to be less than significant for Well 6a, a Groundwater Mitigation and Monitoring Plan (GMMP) will be developed to ensure groundwater impacts from project pumping are less than significant. A threshold for maximum groundwater production for the project will be included in the GMMP. Additionally, for nearby well users, a threshold for water level decline in well 6 (located 36 feet from Well 6a) will be required to ensure that significant declines in groundwater levels do not extend to existing offsite well users. Should water level thresholds be met, the GMMP will include mitigation measures that include a reduction or cessation in on-site pumping until water levels in the monitoring well rise above the threshold.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
193.0	D.12, Water	Groundwater Investigation	Section 3.7 Conclusions: Please completely revise the conclusions for well interference. No observed drawdown in wells 1/3 and 1/2-mile from the production Well 6a does not provide conclusive evidence of what will occur after pumping for nine months at 50 gpm. Please revise based on calculations of drawdown estimated to occur in offsite wells. Please also revise the cumulative impacts conclusions. There is the potential for depletion in storage within McCain Valley. Please state that groundwater in storage will be reduced to 92% during the 7-year drought period analyzed, far above the 50% depletion level.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
194.0	D.12, Water	Groundwater Investigation	Groundwater Monitoring and Mitigation Plan (GMMP): A GMMP will be developed by the County Groundwater Geologist that will include the monitoring requirements, thresholds, and reporting requirements upon receiving the revised groundwater investigation. A threshold of maximum groundwater production will be set for well 6a of no more than 60 acre-feet of production for construction purposes. Additionally, a drawdown threshold will be determined in monitoring well 6 to ensure impacts to offsite well users will be below the threshold of 20 feet.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
195.0	D.12, Water	Groundwater Investigation	Minor Edits: On pages 11 and 12 (and possibly other locations in text), when discussing a well's production capability, please replace the term "specific yield" to "estimated yield." When discussing the unlined pond on page 12, please remove the statement "and as a result, water infiltrates rapidly into the ground. Please eliminate all discussion and graphics associated with a 5-year projection of drawdown from the report. On page 16, last paragraph of Section 3.3, please eliminate the last paragraph and replace with distance-drawdown calculations to draw conclusions regarding well interference.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
D.13 Geology Minerals					
196.0			No Further Comments		
D.14 Public Services and Utilities					
197.0	D.14 Services	Page D.14-16	CEQA Significance thresholds: The following County Threshold was not included, " Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed." While the EIR/EIS includes Impact PSU-3, this approach is not adequate under CEQA because a threshold or guideline has not been established for this impact. Please also see comments under groundwater/water supply above.	MAJOR ISSUE: WATER SUPPLY	The PSU-3 significance threshold used in the EIR/EIS was used in the environmental documentation for the Sunrise Powerlink Project EIR/EIS and is a slight variation of the identified County threshold (the PSU-3 threshold in the EIR/EIS simply removes "would the project" and formulates the threshold as a statement rather than a question as established in the County's significance thresholds). Refer to common response INT3, regarding deferral of mitigation.
198.0	D.14 Services	Impact PSU-2	The EIR/EIS concludes that impacts to law enforcement are not significant; however, this conclusion is not supported by substantial evidence. The EIR/EIS states that the Proposed PROJECT would not increase the population in the area; thereby, no increase to law enforcement services are anticipated. However, the EIR/EIS should discuss potential impacts to police services/border patrol services that may be necessary to protect the proposed facilities from potential vandalism and other malfeasance.		As stated in Section D.14.3.3, neither construction nor operation of the Proposed PROJECT, including the proposed Campo, Manzanita, and Jordan wind energy projects is anticipated to result in a substantial permanent increase to the local population and the Proposed PROJECT would not substantially increase long-term demands for public services and facilities such that the construction of new or physically altered facilities would be required. Regular patrols of the project area to protect proposed facilities from potential vandalism are not anticipated to be required. The ECO Substation (two separately fenced yards) would be surrounded by a 10-foot-tall chain-link fence topped with barbed wire and the Tule Wind O&M/substation facility would be surrounded by 7-foot-tall fencing topped with three strands of barbed wire (see Section B, Project Description for security measures proposed at project component sites). Revisions have not been made in the Final EIR/EIS because the position that the Proposed PROJECT would require law enforcement patrols to protect proposed facilities is speculative and would not change the PSU-3 impact determination of less than significant (Class III).
199.0	D.14 Services	Impact PSU-2	Impacts to Fire Services and impacts due to increasing the hazards of wildfire are two separate issues under CEQA. Chapter D.14, Public Services and Utilities is inadequate in addressing potential impacts to the provision of fire service for the region with the addition of the Proposed PROJECT. The EIS/EIR concludes that impacts to fire services are not significant. CEQA Guidelines, Appendix G, Section XIII includes the following threshold for impacts to public services, including fire protection: "Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?" Therefore, the question is whether the local fire district would need to construct new facilities or alter existing facilities to maintain acceptable service ratios, response times or other performance objectives if the Proposed PROJECT were developed. It is unclear whether the conclusion in the DEIR was based on an analysis of this threshold. What additional services and needs would be required for adequate fire protection? Would the fire protection services have adequate equipment or would additional fire fighting supplies be necessary? Does the response time account for ALL the facilities associated with the Proposed PROJECT?	MAJOR ISSUE: FIRE SERVICES	Chapter D.14 Public Services addressing impacts to fire protection services in the context of whether implementation of the Proposed Project would require new or physically altered governmental facilities in order to achieve fire department response time goals established in the County of San Diego General Plan Public Facility Element. This analysis is presented in Section D.14.3.3, Impact PSU-2, and the EIR/EIS concludes that no new facilities would be required in order to respond to fires at project facilities within the established General Plan response time goals. Additional supplies and equipment required to combat fires at project facilities are discussed in Section D.15, Fire and Fuels Management. This section also discusses equipment, services, and funding that project applicants would be required to provide as mitigation for anticipated impacts. The question of whether fire services would require new equipment and supplies is not addressed in Section D.14 as the applicable CEQA threshold does not specifically require analysis of new supplies and equipment (the threshold asks whether new or physically altered facilities would be required). Refer to Section D.15, Fire and Fuels Management of the EIR/EIS.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
200.0	D.14 Services	Impact PSU-3	The EIR/EIS does not adequately substantiate impacts to water supplies would be impacted to less than significant levels (Impact PSU-3). The mitigation measures defer the analysis of adequate water supply because the measure relies upon future studies and approval. By deferring the identification of adequate water supply, the EIR/EIS does not adequately analysis potential impacts of supplying water to the project site. For example, if groundwater is determined to be inadequate, then the EIR/EIS states water would be trucked in. The environmental impacts to traffic/transportation and air quality associated with those truck trips must be analyzed within the EIR/EIS.	MAJOR ISSUE: WATER SUPPLY	Refer to common response WR1, regarding documentation of water demand and resource for construction.
201.0	D.14 Services	Impact PSU-3	The analysis of total water supply required for the Proposed PROJECT is inadequate. The EIR/EIS should state clearly the water supply required to serve the entirety of the Proposed PROJECT which would include the construction and operation of ALL components. Then the EIR/EIS would state whether anticipated supplies are sufficient to serve all aspects.	MAJOR ISSUE: WATER SUPPLY	Refer to common response WR1, regarding documentation of water demand and resource for construction.
202.0	D.14 Services	Impact PSU-5	The analysis of waste disposal requires compliance with the County's Construction and Demolition Materials Ordinance which requires recycling.		Although the ECO Substation, Tule Wind, and ESJ Gen-Tie Projects would not require building permits from the County of San Diego, the PSU-5 analysis in the EIR/EIS has been revised to indicate that the projects would be required to comply with the County's Construction and Demolition Materials Ordinance.
D.15 Fire Fuels Management					
203.0	D.15 Fire Fuels Management	Impact FF-2: For ESJ and Tule Projects	Impacts FF-2: The DEIR/EIS does not provide adequate mitigation that reduces the projects' impacts to wildland fires below a level of significance. The DEIR/EIS must include mitigation that addresses offsite mitigation and direct mitigation that effectively reduces the projects' impacts to the region. If more mitigation cannot be provided, then a rationale as to why additional mitigation is infeasible must be provided.	MAJOR ISSUE: Unsubstantiated Conclusion	Please refer to common response FIRE5 regarding significance levels for Impact FF-2.
203.1	D.15 Fire Fuels Management	Impact FF-3: For ESJ, ECO, and Tule Projects	Impact FF-3: The DEIR/EIS does not provide adequate mitigation that reduces the projects' impacts to fire fighting capability (FF-3) below a level of significance. The DEIR/EIS must include mitigation that deals directly with fire fighting operations and make an attempt at increasing effectiveness. An example may be developing a rapid response team like some utility companies have for fires near electrical facilities and lines. If additional mitigation cannot be provided, then a rationale as to why additional mitigation is infeasible must be provided.	MAJOR ISSUE: Unsubstantiated Conclusion	Please refer to common response FIRE5 regarding significance levels for Impact FF-3.
D.16 and D.17 Social Economics & Env. Justice					
204.0	D.16-D.18		The County does not have any comments on these sections.		
D.18 Climate Change					

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
205	D.18 Climate Change	NA General Comment	<p>Use of the Proposed Transmission Line for Non-Renewable Energy Projects: The applicant "Sempra Generation" indicated at the public hearings and in this EIR that the proposed transmission line would only be used for transmitting renewable energy. The County concurs with Sempra that the lines should only be used for such purpose because it is foreseeable that the ESJ transmission line could be utilized to transport energy from other nonrenewable resources, such as natural gas. The EIR/EIS concludes the project would have a quantifiable positive effect on the environment over the long-term since greenhouse gas (GHG) and criteria emissions from fuel combustion would be avoided because the project would only transmit clean renewable energy. The EIR/EIS should identify that the project is to only transmit renewable energy as a mitigation measure. This would ensure that the GHG emissions would be mitigated. Failure to implement this mitigation measure could result in increased impacts to the unincorporated County because the emissions from potential additional fossil fuel power plants in Mexico could increase greenhouse gas emissions, affect climate change, and adversely impact air quality and resources in the San Diego County. If not mitigated, the EIR/EIS should evaluate the resulting GHG emissions that could be created by a maximum of 1250 megawatts of fossil fuel based generation.</p>		Please refer to common response CC3.
F. Cumulative Impacts					
206.0	SECTION F, CUMULATIVE ANALYSIS		<p>The County agrees that the degree of specificity for cumulative impacts is less than what is required by CEQA for direct impacts. However, the EIR/EIS does not provide any scientific evidence to support the conclusion that cumulative significant impacts would not occur for certain sensitive resources. For example, regarding cumulative impact BIO-1, the document does not provide any further evidence to support this Class II impact. First, the analysis simply refers to "native vegetation" without defining "native." Certain native types of vegetation that exist within the study area are more sensitive than others; therefore, would result in an increase in severity in impacts. Furthermore, the conclusion for Class II impacts is based upon, "given the largely undeveloped nature of the area, the vegetation communities in this region are not likely to become limited in acreage or extent." Without defining specific types of sensitive native vegetation, the EIR/EIS could not conclude there is enough remaining. Another example s cumulative impact NOI-3, this impact also does not provide supporting evidence to uphold the conclusion that potential cumulative noise impacts would be less than significance. The EIR/EIS text states, "given the expected distances other cumulative projects . . .", without actually measuring and calculating those distances and then concluding the distances too great to cause a cumulative noise increase.</p>		<p>The cumulative impact analysis provided in Section F of the EIR/EIS presents the analysis of the potential for the Proposed PROJECT to create cumulatively considerable effects when impacts of projects listed in Table F-1 and shown on Figure F-1 are considered together with the impacts of the Proposed PROJECT. Mitigation measures identified are those that would reduce cumulative impacts where the Proposed PROJECT may contribute an incremental effect that may be considered significant. The analysis provided in Section F of the EIR/EIS attempts to quantify each potential cumulative impact as it relates to the Proposed PROJECT, provided sufficient information is available to make informed and sound judgments regarding such analysis. Where quantification is not feasible, the document evaluates the potential for cumulative effects on a qualitative and programmatic level of detail. At the time of EIR/EIS preparation, it was determined that there was incomplete or unavailable information for each project and related resource area effects necessary to analyze quantitatively the contribution to cumulative effects associated with all reasonable foreseeable, approved, and pending projects.</p> <p>In the Final EIR/EIS a cumulative estimate of the amount of acres disturbed, as provided in Tables F-2 and F-3, and shown in Figure F-1, in context with the geographic extent of the cumulative effects associated with the project and all reasonably foreseeable projects is used as an indicator of cumulative effects.</p>

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
206.0 con't					<p>With regard to comments made on cumulative Impact BIO-1, native vegetation communities, associated wildlife habitat and sensitivities are fully described in Section D.2, Biological Resources, subsection Section D.2.1.1, Regional Overview of the EIR/EIS. As described in section D.2 and Section F Cumulative Impacts, the Proposed PROJECT in combination with all reasonable foreseeable cumulative impacts would result in temporary and permanent loss of native vegetation communities, including sensitive natural communities that are considered to be significant but can be mitigated through avoidance and minimization, restoration and or compensation as described in mitigation measures BIO-1f through BIO-1g to less than significant and therefore would not be cumulatively considerable. The Final EIR/EIS has added Table F-4 to section F, which estimates the cumulative impact to vegetation from the Proposed PROJECT combined with reasonably foreseeable cumulative projects as an indicator of impacts to native vegetation communities, associated wildlife, and sensitive species. The Proposed PROJECT area and cumulative analysis area is comprised predominately of chaparral and semi-desert scrub communities considered to be abundant and are not considered sensitive. Oak woodland and grassland communities area also present in the analysis area but cover less of the area. These communities occur throughout the analysis area, which is largely undeveloped, therefore these communities are not limited in distribution.</p> <p>As stated in the County Biological Guidelines: "The far eastern parts of the County, from the mountain areas to the desert regions, have been left relatively intact thus far and may remain so given that large portions of these areas are publicly owned. However, some habitat types in these areas, such as coniferous forest, Colorado Desert wash scrub, desert dunes, and desert sink scrub, are still considered sensitive for reasons other than historical loss, such as limited distribution, the potential to host sensitive species, or the inability to recover from disturbance."</p> <p>The Proposed PROJECT does not affect the communities discusses as limited or sensitive in the largely undeveloped east county of San Diego. Recognized sensitive communities that are affected by the Proposed PROJECT in the analysis area, including mulefat scrub/southern willow scrub, southern riparian forest, and emergent wetland, are avoided to the maximum extent possible, as these are considered wetland communities. It is assumed that the reasonably foreseeable cumulative projects would also avoid these communities to the maximum extent possible.</p>
207.0	SECTION F, CUMULATIVE ANALYSIS	F.2 Biological Cumulative Study Area	<p>Please provide justification for the limits of the biological cumulative study area including how the south and west limits were chosen. Based on staff review, the limit to the south should be the US-Mexico border but including the extension the ESJ power line because there is no other information related to cumulative projects there. To the west, the cumulative impact area could be bound by the residential land uses associated with the communities of Boulevard, Live Oak Spring and the Campo Indian Reservation to the west. Within the revised cumulative study area, the habitat resources are likely to encompass those that are also present in the project area, so that if the impacts that are generated from various sources in this geographical area they would sum up to total the cumulative impacts on those resources. More specific biological resources, especially sensitive faunal resources, may require more specific cumulative study subareas based on their attributes, but due to their reliance on particular habitat types, they are likely to fall within the cumulative study area. The list of projects in the cumulative projects table should be updated if this cumulative impact area captures more than was previously analyzed using the 10 mile radius.</p>		<p>As described in section F.3.1 of the EIR/EIS, the geographic extent for the analysis of cumulative impacts associated with biological resources includes the vicinity of all reasonably foreseeable cumulative projects and extends throughout southeastern San Diego County and western Imperial County, as shown in Figure F-1 of the EIR/EIS. The specific geographic area was evaluated and determined to be sufficient based upon the magnitude of the Proposed PROJECT's potential to react with other potential projects. The biological resources study area basically evaluated any and all projects within a 10-mile radius of the Proposed PROJECT site boundaries. It was determined that this was a reasonable area given the specific project impacts and the surrounding area with little development within the area. The County of San Diego was also consulted as to additional projects in the area that may be applicable on a cumulative basis. Extending the geographic scope as proposed by the comment would add little to the cumulative impact evaluation beyond the projects evaluated in the EIR/EIS.</p>

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
208.0	SECTION F, CUMULATIVE ANALYSIS		<p>Each resource area's cumulative study area must be well defined in order to adequately access any potential cumulative impact. Section F.1 sets up the discussion of the cumulative study area <i>but this direction to define and explain each study area as it pertains to each resource is not carried through to each subsection</i>. For example, the biological cumulative impact analysis for temporary and permanent losses of native vegetation (Impact BIO-1) states project direct impacts would be mitigated and less than significant. The project direct analysis breaks up the native habitat into specific types considered sensitive by both the County of San Diego and the Wildlife Agencies. The cumulative analysis does not. The cumulative analysis divides the native habitat into two categories - the native habitat occurring in the eastern portions of cumulative study area and the native habitat that occurs in the western and central portions of cumulative study area. The analysis discounts any impacts in the eastern portion of the cumulative study area as "not likely the same vegetation community types as the Proposed PROJECT." However, the flaw in this analysis is that if the vegetation community types are not the same as the vegetation found in the Proposed PROJECT's study area, then why would this area be included in the cumulative analysis? What is the rationale specific to biological resources (native vegetation impacts) which would require this "eastern" area to be in the cumulative study area? This broad definition of the cumulative study area serves to create an overly expansive assessment area that would essentially dilute the Proposed PROJECT's potential impacts.</p>		Refer to response to comment 206 and 207 above and common response CUM1.
209.0	F.2 Applicable Cumulative Projects and Projections	Page F-4	Please update the references to all Plans and Environmental Documents relied upon for the cumulative analysis. Specifically, SANDAG has an updated RCP to reference.		Per SANDAG website visited on 4/4/11, the Regional Comprehensive Plan had not been updated, and the most recent Regional Comprehensive Plan remains the 2004 Plan. See: http://www.sandag.org/index.asp?projectId=1&fuseaction=projects.detail The other plans included in Table F-1 also have not been updated. No change to the EIR/EIS is required.
210.0	F.4		For the same reasons described under significant, direct impacts, all Class I impacts should also be further substantiated, mitigation explored and alternatives which reduce that impact be identified.		Please refer to common response INT2, regarding general adequacy of the Draft EIR/EIS. Refer to comment 206 and 207 above and common response CUM1.
211.0	F.3.2	Page F-29	It appears that there are two different conclusions for the same impact to special status wildlife species. Please clarify.		<p>Similar to the impact BIO-10 significance determination made in Section D.2, Biological Resources, for the Proposed PROJECT, the impact BIO-10 determination in Section F states the following:</p> <ul style="list-style-type: none"> -impacts to species status bird species due to risk of electrocution and collision with transmission lines and towers would be significant but mitigated (Class II) -impacts to golden eagles due to collision with operating turbines would be significant and unmitigable (Class I) -impacts to Vaux's swift and special status bat species due to collision with operating turbines would be significant but mitigated (Class II) -impacts to special status bird species due to collision with operating turbines would be less than significant (Class III).
212.0	F.3.6 Cumulative	Page F-87, second to last paragraph	Include the historic house (CA-SDI-7011H) in this discussion.		With the exception of the San Diego and Arizona Eastern Railroad and Old Highway 80 (both of which traverse a large portion of the project area), the cumulative cultural and paleontological resources impact analysis presented in Section F, Cumulative Scenario and Impacts, does not reference specific historic sites. Instead the analysis generally refers to sites identified during surveys conducted for the Proposed PROJECT and identified and discussed at length in Section D.7 Cultural and Paleontological Resources. CA-SDI-7708H, however, is located 200 feet south of the 138 kV transmission line alignment, such that it would not be impacted by the proposed project. The resource's location outside the Project APE has been noted in the Final EIR/EIS Section F.3.6. Please refer to Final EIR/EIS Section D.7, Cultural Resources, for impact analysis pertaining to specific resources present in the project area.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
213.0	F.3.6 Cumulative	Page F-84	<p>The cumulative analysis section for cultural resources is wholly inadequate. Please refer to sample provided as an attachment for the minimum requirements needed to comply with CEQA and RPO. The section should also be reviewed for NEPA compliance. The industry standard for cumulative analysis of cultural resources is at a minimum reviewing the projects in the area, the number of sites within a one mile radius that may be impacted by these projects, the types of sites (prehistoric, historic, built environment), the number of sites that have been mitigated for impacts, the number of sites impacted by projects in the area which cannot be mitigated (requiring overriding considerations), and any landscapes or districts that will be impacted.</p>		<p>Please refer to common response CUL3, regarding adequacy of the cumulative cultural resources impact analysis and response 206.</p>

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
General Comments					
1.0	General Comment	All	The name of Pacific Wind LLC has changed to Tule Wind LLC. Revise throughout entire document and appendices.		All references to Pacific Wind Development in the EIR/EIS have been revised to reflect Tule Wind, LLC.
2.0	General Comment	East County Substation	A portion of the ECO 138 kV Transmission line cuts across a dedicated County Open Space Easement (Recorded # 82-355323) along Mile Posts 6 and 7 on parcel numbers 659-110-20 and 659-110-19. The open space easements are for the protection of sensitive biological and cultural resources. A separate letter will be sent to SDG&E about the Land Use Jurisdictional rights the County has with the easements, but the DEIR/EIS should address the environmental analysis and mitigation that is required in order for SDG&E or the County to vacate the openspace easement for the portions of the 138kV line encroachment. Also See Cultural Resource comment # 109 and biological resource comment #34.1.		Refer to responses 34.1 and 109 below.
3.0	General Comment	All figures that reference Rough Acres Ranch	Include APNs 611-091-14, 611-090-015, 612-030-15, 612-091-13, 612-091-12, and 612-092-13 as part of Rough Acres Ranch, as currently shown on the project submittal for Tule Wind Farm received by the County of San Diego.		CEQA/NEPA laws and regulations do not require that APNs be shown. Project location information provided in the EIR/EIS is sufficient and is provided in accordance with Section 15125, Environmental Setting, of the CEQA Guidelines.
4.0	General Comment	All figures that reference Jordan Wind Energy project	APNs 612-091-13 and 612-091-12 are shown as part of Jordan Wind Energy, but they are currently shown on the project submittal for Tule Wind Farm received by the County of San Diego.		CEQA/NEPA laws and regulations do not require that APNs be shown. Project location information provided in the EIR/EIS is sufficient and is provided in accordance with Section 15125, Environmental Setting, of the CEQA Guidelines.
5.0	General Comment	CEQA FINDINGS	CEQA requires agencies to make the following findings pursuant to section 15091: (1) that mitigation measures "have been required in, or incorporated into, the project which mitigate or avoid the project's significant impacts"; (2) that such measures are the responsibility of another agency and have been, or can and should be, adopted by that other agency; or (3) that mitigation is infeasible and overriding considerations outweigh the project's significant impacts. (<i>Federation of Hillside and Canyon Associations v City of Los Angeles</i> (2000) 83 Cal.App. 4th 1252, 1260 (Citing Publ. Resources Code section 21081)). The purpose of these provisions is to ensure that the mitigation measure "will actually be implemented." (<i>Federation of Hillside and Canyon Associations, supra</i> , 83 Cal.App. 4th 1252, 1261). The County does not believe that all these required findings could be made for several reasons detailed within this letter. In general, the reasons include: (1) lack of technical documentation to substantiate the conclusions in the EIR/EIS, (2) deferral of analysis (whole of the action) (3) deferral of mitigation, and (4) lack of substantiation for significant and unmitigated impacts (Class I).		Refer to common response INT3. As noted in this response, the Proposed PROJECT implements all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. The CPUC and BLM have committed themselves to incorporate all reasonable mitigation and mitigation would only be deferred to a later date if it is impractical to create specific mitigation this early in the planning process. Please also refer to common response INT2.
6.0	GENERAL	GENERAL	Pursuant to CEQA, further substantiate ALL Class I, significant and unmitigable conclusions by exploring what the potential mitigation would be and why that mitigation would be infeasible or expand upon why feasible mitigation does not exist. For example, in Section D.3, Visual Resources, Table D.3-7 describes significant and unmitigable impacts associated with the ECO Substation component of the Proposed PROJECT; however, the discussion should also further disclose any potential mitigation measures such as screening or different and less impactful designs and treatments. Currently, the text states that "other than undergrounding the transmission line . . . the impact could not be reduced to below a level of significance." This existing text is referring to an alternative to the Proposed PROJECT which would reduce the impact, rather than potential mitigation measures. Albeit infeasible, in order to make the required CEQA Findings pursuant to section 15093, any potential mitigation measures must be explored further. This information is required to be included in the EIR/EIS pursuant to CEQA Guidelines section 15093 and is necessary for the County to make significance findings pursuant to that section of CEQA.	MAJOR ISSUE: RATIONALE FOR CLASS I IMPACTS	Refer to common responses INT2, INT3, BIO9, and WR1.
7.0	GENERAL	GENERAL	Each Class I impacts, the EIR/EIS must include a specific CEQA conclusion which states the implications of that unmitigated impact and the reasons why the project is still being proposed without an alternative design (CEQA Guidelines section 15126(b)).	MAJOR ISSUE: CEQA FINDINGS/ RATIONALE FOR CLASS I IMPACTS	Refer to common responses INT2 and INT3. As required by CEQA Guidelines Section 15126(b), the EIR/EIS Section G.3 discusses significant environmental effects that cannot be avoided if the project is implemented.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
8.0	GENERAL	GENERAL	<p>The EIR can rely on subsequent approvals of permits or plans only if there are specific "performance criteria", it is clear that the plan is achievable, and it is clear that the level of significance will be reduced. In <i>Endangered Habitats League, Inc. v County of Orange</i> (Cal.App. 4th Dist. 2005) 131 Cal.App. 4th 777, the court explained: "Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan. On the other hand, an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report." For example, MM BIO-1d requires impact to be mitigated by revegetation pursuant to a future Habitat Restoration Plan. This mitigation simply requires the applicant to obtain reports and then comply with whatever recommendations are made in the reports without the mitigation measure providing specific "performance criteria" to make the plan achievable. In fact, the mitigation measures defers success criteria and monitoring specifications to the future Habitat Restoration Plan. Therefore, it is not possible for the County to make the required finding that this mitigation measure is effective because without more specific details to measure success of the revegetation, it is not clear that the plan is achievable. Other similar examples of mitigation deferral are as follows: MM BIO-4a Dust Control Plan, MM BIO-2b Wetland Mitigation Plan, MM BIO-10b Avian Protection Plan, Conceptual Revegetation Plan, MM TR-1, a Conceptual Traffic Control Plan, MM HYD 5-6 SWMP, and MM HYD-3 Groundwater Study.</p>	<p>MAJOR ISSUE: CEQA FINDINGS/MITIGATION DEFERRAL</p>	<p>Refer to common response INT3. As noted in this response, the Proposed PROJECT implements all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. The CPUC and BLM have committed themselves to incorporate all reasonable mitigation and mitigation would only be deferred to a later date if it is impractical to create specific mitigation this early in the planning process. Please also refer to common response INT2.</p>
9.0	GENERAL	GENERAL	<p>The EIS/EIR is required to provide a clear and specific rationale explaining how the measure avoids, minimizes, rectifies, and/or reduces the significant environmental effect. This information is required to be included in the EIR/EIS pursuant to CEQA Guidelines section 15091 and is necessary for the County to make significance findings pursuant to that section of CEQA. For example, Section D.3, Visual Resources, Table D.3-6 presents the mitigation monitoring, compliance, and reporting program for each impact and mitigation measure included in that chapter. However, the text fails to provide factual support and rationale for all the CEQA conclusions/determinations stated. Specifically, each mitigation measure described in this table includes "effectiveness criteria" but these statements merely restate the impact and mitigation measure without providing the needed rationale as to why or how these measures would serve to reduce the impact. Under CEQA, this mitigation measure cannot be found (or relied upon) to mitigate impacts to a less than significant level. Further, when a mitigation measure is found to be "required in, or incorporated into, the project," the measure "must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (14 CCR section 15126.4). For example, MM BIO-5b references an "agency-approved plan" for special status plant species compensation. Further, it states that this will occur through plant salvage and relocation and off-site land preservation. The County typically does not accept plant salvage and relocation as feasible mitigation. However, if the Conceptual Revegetation Plan provides evidence that relocation is feasible, such mitigation may be accepted. This information must be included in the EIR in order for a CEQA finding to be made that impacts to these resources would be mitigated or less than significant.</p>	<p>MAJOR ISSUE: CEQA FINDINGS/MITIGATION TO LESS THAN SIGNIFICANT RATIONALE</p>	<p>Refer to common responses INT3. As noted in this response, the Proposed PROJECT implements all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. The CPUC and BLM have committed themselves to incorporate all reasonable mitigation and mitigation would only be deferred to a later date if it is impractical to create specific mitigation this early in the planning process. Please also refer to common response INT2. The following text is being added to Section D.3.7: "Installation of highly visible transmission structures as well as the introduction of a new 138 kV transmission line along an alignment that is currently void of similar industrial elements would result in a strong contrast with the existing visual landscape. Also, due to proximity and location, recreationalists on the identified County trails would be afforded unobstructed views of the proposed transmission line at inferior viewing angles. Additional treatments applications would not be able to conceal these project elements such that the resulting visual impact would be reduced to less than significant levels. Also, the installation of appropriate vegetation to screen transmission structures and the 138 kV transmission line would not be feasible (and would likely not survive in a semi-arid desert environment) along entire new transmission corridor."</p>
10.0	A. Intro/Overview	Table A-2 Pg. A-19	<p>Add the following County authorizations to the table for each of the following projects: 1. SDG&E: Fire Service Agreement with County, Open Space vacation 2. Tule: Fire Service Agreement, Plan Amendment Authorization (PAA) General Plan Amendment (GPA), Zoning Ordinance Amendment, groundwater extraction Major Use Permit. 3. ESJ: Plan Amendment Authorization (PAA) General Plan Amendment (GPA), Groundwater Extraction Major Use Permit.</p>		<p>Comment noted and text revised to include authorizations that were not already included in the table.</p>

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
11.0	Project Description	B.2.1	The Northern most transmission tower is proposed to be located on the substation property, which is not within the County's Land Use Authority. Through conversations with the CPUC the northern most ESJ tower would need to be permitted as a part of the East County Substation. Add 5th/North ESJ Transmission Tower to ECO project description.		The ESJ Gen-Tie Project's northern most transmission tower, though it may be located on the ECO Substation property, would not be built as part of the ECO Substation Project, and would only be built in conjunction with construction of the ESJ Gen-Tie Project. Therefore, consideration of the northernmost transmission tower is appropriately considered in the EIR/EIS with the entire ESJ Gen-Tie Project.
12.0	Project Description B.5.2.5	B.162	The EIR does not adequately address the groundwater extraction permit Major Use Permit P10-014 in all sections of the EIR. The Groundwater Extraction Use is a connected action to the ESJ US Gen-Tie P09-008. Include plot plans and location map of the proposed project along with detailed analysis in each section of the EIR/EIS of the project component. The County has provided additional Cultural and Biological Surveys that cover the impacts caused from installing the water well location driveway.	MAJOR ISSUE: Groundwater extraction permit. CEQA ISSUE: WHOLE OF THE ACTION	Refer to common responses PD1 and INT2.
13.0	Project Description	B.3.2.4 Water Usage	The DEIR must include substantial evidence of adequate water supply for both operation and construction project components. Please document will serve letters from the Sweetwater Authority and any other water providers as an Appendix to the DEIR.	MAJOR ISSUE: WATER SUPPLY	Refer to common response WR1.
14.0	Project Description	B.3.2.4 Water Usage	SDG&E: The use of onsite water wells should be prohibited unless adequate CEQA level groundwater investigation is completed to ensure that the local groundwater supply is not impacted.	MAJOR ISSUE: GROUNDWATER SUPPLY ANALYSIS	Refer to common response WR1.
15.0	Project Description	B.4.2.4 Water Usage	Tule: The water usage section needs to be revised after changes are made from comments to section D.12 Water Resources and comments provided to the Tule Groundwater Investigation dated December 2010 prepared by Geo-Logic Associates.	MAJOR ISSUES: GROUNDWATER SUPPLY ANALYSIS	Text edited to reflect most recent information and be consistent with edits in Section D.12, Water Resources.
16.0	B.5.1.2, Location	2nd Paragraph	Replace the word "Site Distance" with "Sight Distance" in two sentences.		Comment noted and text in Section B.5.1.2 has been revised.
C. Alternatives					
17.0	C. Alternatives	C.5.2.6	The Tule 138kV underground alternative is not clear as to why it was screened out. Is this alternative different from alternatives 2 (C.4.2.2) and 4 (C.4.2.4) because they both propose to underground the 138kV line. How is the C.5.2.6 alternative different? Clarify which 138kV Gen-Tie is not feasible when the other two are feasible. Also explain why a 12% grade prohibits undergrounding.		As described in Section C.5.2.6 of the EIR/EIS and shown on Figure C-2, the Tule Undergrounding the Proposed 138 kV Tie-Line Alternative would underground the 138 kV Tie line from the proposed Tule Wind Collector substation located in the vicinity of turbine E-3 along the same overhead alignment as proposed by the Tule Wind Project to the proposed Boulevard substation upgrade. This alternative was not carried forward as described due to the steep slopes and rugged terrain with slopes in excess of 12% which would make undergrounding infeasible along a majority of this route. A maximum allowable slope of 12% for undergrounding of transmission lines was provided by SDG&E (SDG&E, Data Request Response 6, dated May 7, 2010. Response is available at: http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/DR/ECOResponse6.pdf) As described in Section C.4.2.2 and C.4.2.4 of the EIR/EIS and shown on Figure C-2, the Tule Wind Alternative 2, Gen Tie Route 2 Undergrounding with Collector Substation on Rough Acres ranch (see Section C.4.2.2) and Tule Wind Alternative 4, Gen Tie Route 3 Undergrounding with Collector Substation on Rough Acres Ranch (see Section C.4.2.4) would underground the 138 kV from the alternative collector substation located on Rough Acres Ranch, in the vicinity of the southern end of the proposed turbines (turbine G-19), to the proposed Boulevard substation upgrade using either the alternative Gen-Tie Route 2 to the east or alternative gen-tie route 3 to the west as described. These routes are considerably shorter than the proposed route and avoid steep slopes and rugged terrain (slopes do not exceed 12%), and therefore are considered to be feasible and would have the potential to reduce environmental impacts and therefore were carried forward for full analysis.
D.2 Biological Resources					
18.0	D.2, Bio	D.2, MM-BIO 1d	MM BIO-1d refers to a Habitat Restoration Plan. This plan (County Conceptual Revegetation Plan) must be provided as evidence of feasible mitigation. If a plan is proposed for mitigation of direct habitat and species mitigation, <u>it must have specific performance standards to be feasible.</u> Therefore, at a minimum, plans must be provided as conceptual plans in the EIR/EIS and reviewed for adequacy by the County of San Diego for impacts within that jurisdiction. Please also see General Comments under Major Issues: Mitigation Deferral.	MAJOR ISSUE: DEFERRAL OF MITIGATION	Refer to common responses INT3 and BIO8.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
19.0	D.2, Bio	D.2, MM-BIO 1d	It was previously commented that biological impacts that will be allowed by right (i.e. in ROW) must be considered permanent and be fully mitigated. Revegetation of areas that are considered "temporary" should be revegetated for erosion control purposes only, not as mitigation. Revegetation for temporary impacts to wetland or jurisdictional wetlands should be the only revegetation used for mitigation. While the EIR/EIS has been revised to state that "if restoration of temporary impact areas is not possible to the satisfaction of the permitting agencies, the temporary impacts shall be considered a permanent impact and compensated accordingly", it should be noted that the County will not accept revegetation for temporary habitat impacts for lands within it's jurisdiction.		MM-BIO-1d allows for flexibility by requiring that temporary impacts be restored sufficient to compensate for the impact to the satisfaction of the permitting agencies . If the County will not accept revegetation for temporary habitat impacts, then, in accordance with the provisions of MM-BIO-1d, the temporary impact shall be considered a permanent impact and compensated accordingly (direction for compensation is provided under MM-BIO-1e).
20.0	D.2, Bio	D.2, MM-BIO 1e	Discussion of Proposed Mitigation Site: In order to demonstrate feasibility of this mitigation measure, the plan for the proposed mitigation for biological impacts for all three projects need to be discussed in the EIR. See ESJ Biological Study for proposed mitigation area to the east of the project site. ECO sub should consider mitigating adjacent to the same area as ESJ has proposed.		Refer to common responses INT3 and BIO8. Mitigation site will be specified in agency-approved mitigation plans.
21.0	D.2, Bio	D.2, MM-BIO 1e	MMBIO 1e mitigation ratios should be determined based upon the area of impacts to the specific habitat type. The County allows mitigation for List B & C and Group II sensitive species to be included with habitat mitigation because these species are generally habitat generalists. For the other species List A and Group I, the MM should be specific to the individual species.		As proposed, Mitigation Measure BIO-1e contains the following language: "permanent impact to all native vegetation communities shall be compensated through a combination habitat compensation and habitat restoration at a minimum of a 1:1 ratio or as required by the permitting agencies". Mitigation Measure BIO-1e is designed to address permanent impacts number of vegetation communities and therefore, while the mitigation ration provided in the measure is general, the measure does provide for habitat compensation or restoration to occur at a ratio required by the permitting agency. Because the County of San Diego has land use jurisdiction over portions of the Tule Wind and ESJ Gen-Tie Projects, the County will have the opportunity to review and approve plans to ensure that impacts on County jurisdictional lands are mitigated in accordance with established County mitigation ratios.
22.0	D.2, Bio	D.2, MM BIO 1e, 5b and 7h	Habitat Preservation Timing: MM BIO 1e, 5b and 7h: The mitigation must be in place before the impacts occur. Compensatory habitat mitigation includes demonstration that land with similar function and quality is preserved and managed in perpetuity.		Refer to common response INT-3. Mitigation timing will be specified in agency-approved mitigation plans.
23.0	D.2, Bio	D.2, MM BIO 1e, 5b and 7h	While the EIR/EIS has been revised to include the option of fee payment for habitat mitigation, fee payment would not be accepted by the County for habitat impacts within it's jurisdiction and is considered infeasible mitigation.	MAJOR BIO ISSUE: FEE PAYMENT INSTEAD OF HABITAT DEDICATION	As proposed, Mitigation Measure BIO-1e contains the following language: "permanent impact to all native vegetation communities shall be compensated through a combination habitat compensation and habitat restoration at a minimum of a 1:1 ratio or as required by the permitting agencies". Mitigation Measure BIO-1e provides for habitat compensation or restoration to occur at a ratio required by the permitting agency. Because the County of San Diego has land use jurisdiction over portions of the Tule Wind and ESJ Gen-Tie Projects, the County will have the opportunity to review and approve plans to ensure that impacts on County jurisdictional lands are mitigated in accordance with established County mitigation standards.
24.0	D.2, Bio	D.2-170	It was previously commented that the EIR/EIS states that the Tule Wind Project would have an adverse but less-than-significant impact on linkages or wildlife movement corridors. However, sufficient information has not been provided to determine whether the Tule project will have a significant effect on wildlife movement. Baseline data and project impact analysis are very weak related to wildlife movement especially for the Tule portion of the project. The EIR/EIS refers to "evidence" that terrestrial wildlife would acclimate to operating wind turbines and move between and around them but no specific references to studies was provided to substantiate this claim. It was also previously commented that Wildlife movement impacts must be analyzed including the potential impacts from down draft created by the turbines as well as turbine separation. The revised EIR/EIS does not include any information regarding potential impacts from down draft nor turbine separation.		The Final EIR/EIS has been revised to include additional data and discussion related to the impacts of the Tule Wind Project on wildlife movement.
25.0	D.2, Bio	Figure D.2-9	It was previously commented that the bighorn sheep symbol looks like turbine location. The color of the symbol was changed slightly in the revised EIR/EIS but is still confusing. The shape of either symbol should be changed to limit confusion.		Figure D.2-9 has been revised in the Final EIR/EIS to distinguish between proposed Tule Wind turbines and bighorn sheep occurrence data points.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
26.0	D.2, Bio	D.2, MM BIO 4a	MM BIO 4a references a Dust Control Plan. This plan must be provided to staff for review as a feasible mitigation/design measure. Please also see General Comments under Major Issues: Mitigation Deferral.	MAJOR ISSUE: MITIGATION DEFERRAL	Refer to common responses INT3 and BIO8.
27.0	D.2, Bio	D.2-143	MM BIO-5b references an "agency-approved plan" for special status plant species compensation. Further, it states that this will occur through plant salvage and relocation and off-site land preservation. The County typically does not accept plant salvage and relocation as feasible mitigation. However, if the Conceptual Revegetation Plan provides evidence that relocation is feasible, such mitigation may be accepted. This information must be included in the EIR in order for a CEQA finding to be made that impacts to these resources would be mitigated or less than significant. Please also see General Comments under Major Issues: Required CEQA Findings.	MAJOR ISSUE: CEQA FINDINGS/MITIGATION TO LESS THAN SIGNIFICANT RATIONALE	Refer to common responses INT3 and BIO8.
28.0	D.2, Bio	D.2, MM BIO 7k	MM BIO 7k was removed from the EIR/EIS as a result of a habitat assessment which was performed for the barefoot banded gecko within the Tule project area. Page D.2-156 contains contradictory information. First it states that "suitable habitat may exist within its preferred microhabitat of rocky boulders and outcrops along portions of the project area" and then states "a habitat assessment on Tule Wind Project area by herpetologist Eric A. Dugan in June of 2010 states that the Tule Wind Project does not contain suitable habitat for the barefoot banded gecko". The EIR/EIS should be updated to eliminate this contradiction. If suitable habitat does exist within the project area, surveys should be conducted at this time to determine the potential impacts and proposed mitigation measures to mitigate any significant impacts to that species.		The following revision has been incorporated into the Final EIR/EIS: "While suitable habitat could seemingly exist within its preferred microhabitat of rocky boulders and outcrops along portions of the project area, a habitat assessment on the Tule Wind Project area by herpetologist Eric A. Dugan in June of 2010 concludes that because the barefoot banded gecko has only been documented along a narrow zone along the desert slopes and has not been recorded at elevations above 2,300 feet, the Tule Wind Project does not contain suitable habitat for this species (Appendix N of HDR 2010a)."
29.0	D.2, Bio	D.2-48	In the section discussing the turkey vulture, it is stated that "since thorough surveys have been conducted, nesting in the proposed project area <u>may</u> be unlikely". This section should be revised to say that nesting "would" or "would not" be likely based on those previous surveys.		The following revision have been incorporated into the Final EIR/EIS: "since thorough surveys in the area have been conducted and no nests have been recorded, nesting in the Proposed PROJECT area is thought to be unlikely."
30.0	D.2, Bio	D.2-3	According to the EIR/EIS, rare plant surveys are still ongoing and the results have not yet been incorporated. These results must be incorporated and analyzed in order to determine whether the project would have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species. The rare plant surveys would help to provide the required technical studies/supporting documentation to base the conclusions of the analysis.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	Rare plant surveys were completed for the Tule Wind Project in November 2010. The results of those surveys have been incorporated into the Final EIR/EIS.
31.0	D.2, Bio	D.2-152	In the section discussing the Pocketed Free-Tailed Bat, it was indicated that acoustic surveys for a mine shaft that has roosting potential for this species was not yet available. If this mine shaft is being utilized by bats for roosting, the significance of this impact must be analyzed including the degree to which sensitive bat species will be displaced. Although the EIR/EIS currently lists mitigation measures for the assumed impact to the pocketed free-tailed bat, mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a determination of whether the impact has been mitigated to less than significant must be made once the surveys are complete. The EIR/EIS should be updated accordingly once the acoustic survey is completed.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	Tule Wind LLC has provided more recent data regarding acoustical noise monitoring and this information has been incorporated into the Final EIR/EIS.
32.0	D.2, Bio	D.2-29	The entire project area was not surveyed. In areas where survey access has been denied there should be a corresponding project redesign or project alternative that eliminates those areas from the project area.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	The areas not surveyed are associated with Alternatives 1 and 3 of the Tule Wind Project. Therefore, because the entirety of the proposed Tule Wind Project has been surveyed, a corresponding redesign or alternative that eliminates those areas from the project is not required. A footnote pertaining to areas not surveyed has been added to Table D.2-1 of the Final EIR/EIS.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
33.0	D.2, Bio	D.2, MM BIO 2b	MM BIO-2b references a wetland mitigation plan (Conceptual Revegetation Plan). This plan must be part of the EIR to determine the feasibility of the mitigation. For example the proposed Tule Wind project includes a road that will cross Tule Creek which qualifies as a Resource Protection Ordinance (RPO) wetland. The Tule BTR as well as the DEIR/EIS must quantify all impacts to this RPO wetland. A determination must be made whether the proposed crossing of Tule Creek qualifies under Section 86.604(a)(5) of the RPO. The DEIR/EIS must include findings in accordance with the RPO detailing why there is no feasible alternative to reduce or eliminate impacts to the RPO wetland. Additionally, all RPO impacts must be fully mitigated in accordance with the RPO which requires no net loss of wetlands and mitigation at a 3:1 ratio (1:1 creation and 2:1 restoration/enhancement). Please also see General Comments under Major Issues: Mitigation Deferral. Tule Project.	MAJOR ISSUE: MITIGATION DEFERRAL	Refer to common responses INT3 and BIO8.
34.0	D.2, Bio	D.2, Impact BIO 10	Impact BIO 10 and concludes that the Tule portion of the project will result in a Class I (significant unmitigable effect) but the ECO and ESJ portions of the project could be mitigated to less than significant. A portion of this mitigation (MM BIO 10b) relies on the creation of an Avian Protection Plan. This plan must be included as part of the EIR/EIS to determine the feasibility of the mitigation and to make a determination of whether the impact has been mitigated to less than significant. Please also see General Comments under Major Issues: Mitigation Deferral.	MAJOR ISSUE: MITIGATION DEFERRAL	Refer to common responses INT3 and BIO8. In addition, a draft Avian and Bat Protection Plan has been prepared and is under review with wildlife agencies (per HDR Engineering).
34.1	D.2 Biology	SDG&E ECO 138 kV line	A portion of the ECO 138 kV Transmission line cuts across a dedicated County Open Space Easement (Recorded # 82-355323) along Mile Posts 6 and 7 on parcel numbers 659-110-20 and 659-110-19. These easements should be plotted on all graphics. The open space easement is for the protection of sensitive biological resources. The DEIR/EIS should address the environmental analysis and mitigation that is required in order for SDG&E or the County to vacate the openspace easement for the portions of the 138kV line encroachment. The DEIR should quantify the impacts to the biological resources within the easement that are within the right of way and should propose mitigation at a ratio no less than 2:1.		In response to this comment, Section A, Introduction/Overview (Table A-2), Section D.4.1.2 (ECO Substation Project 138 kV Transmission Line), Section D.4.3.3 (Impact LU-2, ECO Substation Project), Appendix 7 have been modified in accordance with CRF 1502.9 (b). Table A-2 has been revised for the ECO Substation Project to clarify that written consent from the DPLU Director would be required in order for SDG&E to place utility poles and access roads with the open space easements located between MP 6 and 7 of the ECO 138 kV transmission line alignment (see Figure B8-1) . Section D.4.1.2 has been revised to identify that between MP 6 and 7, two proposed transmission line structure and segments of access roads would be located in dedicated County open space easements. A consistency analysis has been prepared and has been incorporated into Section D.4.3.3 (Impact LU-2) for the ECO Substation Project. Lastly, the consistency analysis presented in Appendix 7 has been revised accordingly for policies pertaining to Open Space easements.
TULE BIOLOGICAL RESOURCE REPORT					
35.0	Tule BTR	Section 1.4.6.2	In the report, it was indicated that there is a golden eagle nest within 500 feet of a proposed turbine on the project site. More information must be incorporated and analyzed in order for a CEQA finding to be made that impacts to these resources would be mitigated or less than significant. Based on the County Guidelines for Determining Significance, alteration of habitat within 4,000 feet of an active golden eagle nest can only be considered less than significant if a biologically based determination can be made that the project would not have substantially adverse effect on the long term survival of the identified pair of golden eagles. Additionally, a map was not provided showing the potential golden eagle foraging areas in relation to the 10 known golden eagle nests.	MAJOR ISSUE: CEQA FINDINGS/MITIGATION TO LESS THAN SIGNIFICANT RATIONALE	Refer to common response INT4.
36.0	Tule BTR	Section 2.1.3.2	A confidential map (not for public review) should be provided for staff to analyze the potential impacts to golden eagles. The map should show the 10 known golden eagle nests and the 4,000 foot zone around each of the nests in relation to the proposed impact areas. A map was not provided for staff review.		Refer to common response INT4.
37.0	Tule BTR	Section 2.2.1	The report indicates that temporary habitat impacts will be revegetated to County of San Diego standards. A Conceptual Revegetation Plan should be submitted as mitigation for temporarily impacted habitat. A Conceptual Revegetation Plan was not attached to the report but it was referenced that it is currently being prepared. The Conceptual Revegetation Plan must be part of the EIR to determine the feasibility of the mitigation. Please also see General Comments under Major Issues: Mitigation Deferral.	MAJOR ISSUE: MITIGATION DEFERRAL	Refer to common response INT4.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
38.0	Tule BTR	Section 2.2.2.2	The report states that the proposed project will result in temporary impacts to bats during project construction. The report should also detail whether the proposed project will have any permanent impacts on bats and explain why or why not. In the revised report, it was indicated that one existing mine shaft that will be impacted by the proposed project is being assessed for bat use. If this mine shaft is being utilized by bats for roosting, the significance of this impact must be analyzed including the degree to which sensitive bat species will be displaced. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a CEQA determination must be made of whether the impact has been mitigated to less than significant.		Refer to common response INT4.
39.0	Tule BTR	Section 2.2.4	In the report, it is indicated that temporarily impacted drainages will be returned to their pre-construction state. Details were not provided regarding mitigation for impacted RPO drainages. The analysis must include examination of consistency with RPO and a determination of whether the County's no-net-loss policy for RPO wetlands has been achieved.		Refer to common response INT4.
40.0	Tule BTR	Section 2.3.1	The report does not include adequate evidence/data regarding wildlife movement. Wildlife movement impacts must be analyzed including the potential impacts from down draft created by the turbines as well as turbine separation. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a CEQA determination of whether the impact has been mitigated to less than significant must be made.		Refer to common response INT4.
41.0	Tule BTR	Section 3.2	Guidelines 3.1 (4) and 3.1 (9) on page 3-2 of the revised report state, "The proposed project shall not result in significant impacts under the following guidelines for the following reasons", but did not provide the reasons. The report should be revised accordingly.		Refer to common response INT4.
42.0	Tule BTR	Section 3.2.1	Survey results are missing for several plant species in the report. Once the survey results are complete, they should be incorporated into the report and a determination of significance made according to the threshold. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a CEQA determination of whether the impact has been mitigated to less than significant must be made.		Refer to common response INT4.
43.0	Tule BTR	Section 3.4.2.3	The report indicates that consultation is still ongoing with the USFWS regarding Quino impacts. Once more information is available from consultation with the USFWS, the report should be updated and a CEQA determination of significance made. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a determination of whether the impact has been mitigated to less than significant. The report should also be revised to remove references to how the County has handled Quino mitigation in the past. Impacts to Quino and required mitigation are under the jurisdiction of the USFWS.		Refer to common response INT4.
44.0	Tule BTR	Section 3.5	The report was updated to include a portion of Section 86.604(a) of the RPO. Conditions (5)(dd), (5)(ee) and (5)(ff) on page 8 of the RPO should also be listed. The report should also provide a brief discussion under each of the conditions describing how the proposed project meets each of these conditions.		Refer to common response INT4.
45.0	Tule BTR	Section 5.2	On page 7-2 of the report, it is stated under guideline 7.1(2) that the project is not located in an area that has been identified by the County or other resource agencies as critical to future habitat preserves. Under the proposed East County MSCP, a portion of the project site has been designated as "area of critical environmental concern". Guideline 7.1(2) should provide a discussion of this designation and detail how the proposed project will not preclude or prevent the preparation of a subregional NCCP.		Refer to common response INT4.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
46.0	Tule BTR	Section 7.2	Impact BIO 1- MM BIO-1a indicates that per acre mitigation will be provided for habitat impacts within County of San Diego jurisdiction. The report has not been updated to indicate where per acre mitigation will be provided. The report should be updated accordingly.		Refer to common response INT4.
47.0	Tule BTR	Appendix K	The proposed project in the EIR/EIS includes an "unsurveyed area" which consists of reservation lands for which the project proponents do not have legal rights. This unsurveyed portion for which legal rights have not been obtained should not be included as part of the proposed project referenced in the EIR/EIS.		Refer to common response INT4.
D.3 Visual Resources					
48.0	D.3 Visual	Page D.3-66	Mitigation vs. APM. Impact VIS-1 concludes that impacts to scenic vistas from trails and pathways would result from the visibility of the 138 kV transmission line. Mitigation is provided in MM VIS-1a and 1b; however, the mitigation is the placement of proposed structures at the "maximum feasible distance" or the placement of the proposed structures to avoid sensitive features. Neither of these mitigation measures are truly effective mitigation measures, rather these are more appropriately considered visual APMs. Furthermore, the inclusion of the term "maximum feasible distance" is inadequate in terms of a mitigation measure but would be appropriate for an APM.		As discussed in Table D.3-6, Mitigation Measures VIS-1a and VIS-1b provide flexibility for the land use agency with jurisdiction over the 138 kV transmission line (in this case the County of San Diego) to determine maximum feasible setback of transmission structures from sensitive viewing locations to reduce visual impacts. The monitoring/reporting action component of these measures would permit the County to review construction plans and provide comment regarding transmission structure setbacks at highway crossing locations. However, the EIR/EIS determines that even with implementation of Mitigation Measures VIS-1a and VIS-1b, the visual impacts to scenic vistas resulting from implementation of the ECO Substation Project and the Tule Wind Project would be significant and unmitigable (Class I) (see Section D.3.9, Residual Effects, for further discussion of significant and unmitigable visual impacts) . Therefore, even if mitigation were implemented to alter the location of proposed transmission structures and wind turbines as viewed from highway crossings and sensitive resources areas, the measures would not substantially lessen the visual impacts to a level less than significant.
50.0	D.3 Visual	Visual Simulations, All Kop Figures	In our previous comment letter, the County made several comments as to the validity and composition of the visual simulations. The consultants responded by disclosing the technical challenges in the EIR/EIS; however, this does not explain why each visual simulation does not visually demonstrate the entirety of the development proposal. Any simulation with the transmission line should show the vegetation cleared underneath the lines and simulations for the ECO Substation should include views of the proposed entrance road, water tank and proposed loop-in.		Please refer to common response VIS1 regarding adequacy of the Draft EIR/EIS visual simulations.
D.4 Land Use					
51.0	D.4 Land Use	D.4.2.3 Pg. 70	Add GP Policy 2.4 Multiple Rural Use 18.		Policy has been added to Section D.4.2.3, County of San Diego Existing General Plan (Land Use Element).
52.0	D.4 Land Use	Table D-4.7	This table needs mile posts to determine how much of the 138kV Tie Line is within the Multiple Rural Use (18) area. Update all graphics as well.		Table D-4.7 has been revised in the Final EIR/EIS to clarify how much of the 138 kV transmission line traverses the Multiple Rural Use (18) General Plan Designation.
53.0	D.4 Land Use	D.4.2.3 Pg. 70-91	Update the Plan Policies per comments made in Appendix 7 below.		Plan policies in the Final EIR/EIS have been revised per the County's comments regarding Appendix 7.
54.0	D.4 Land Use	D.4.2.3 Pg. 90	The large Wind Turbine Regulations (6951 ZO) have been updated. A new Policy and Ordinance Update has been Initiated POD 10-007. This Wind Ordinance Amendment will propose changes to the existing Wind Turbine Regulation setback, height, and siting criteria.		The Final EIR/EIS (Section D.4.2.3, County of San Diego Zoning Ordinance) references the County's intent to update regulations governing large wind turbine systems and notes that an approval date for the new regulations has not been set. A review of the Interim Wind Ordinance (Ordinance No. 10073) indicates that the setback requirements and maximum height regulations are the same as currently established in the existing large wind turbine system regulations.
55.0	D.4 Land Use	D.4.3.3 Pgs 105	Impact LU-3: ECO Substation. The East County Substation does not comply with the General Plan Policies of the Current and Draft General Plan or Community Plans. See the comments provided in Appendix 7 Below. One example is that it does not comply with the Policy 2.4 Multiple Rural Use (18) because there are significant impacts to resources for the ECO Substation. Revise accordingly.		The Final EIR/EIS has been revised to identify inconsistencies between policies of the Existing General Plan Land Use Element and the Existing Mountain Empire Subregional Plan and the ECO Substation Project. However, as discussed in Section D.4.3.3, the County of San Diego has no land use jurisdiction over the ECO Substation Project and therefore, the project is not required to be consistent with local planning documents.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
56.0	D.4 Land Use	D.4.3.3 Pgs 106	Impact LU-3: Tule Wind: The portions of the Tule project within County jurisdiction does not comply with the existing General Plan Policies and the existing Mountain Empire Subregional Plan. <u>GP.MRU-18</u> ; It does not comply with the Policy 2.4 Multiple Rural Use (18) because there are significant impacts to resources. <u>MESRP Industrial 11</u> ; It does not comply with Industrial Policy 11 because it proposes wind turbines that have significant visual impacts. The applicant has indicated that they would apply for a Plan Amendment Authorization in accordance with County Board of Supervisors Policy I-63, which would authorize a General Plan Amendment. This section and conclusion needs to be revised based upon this comment. Also see the comments provided in Appendix 7 below.		The Final EIR/EIS has been revised to identify inconsistencies between policies of the Existing General Plan Land Use Element and the Existing Mountain Empire Subregional Plan and the Tule Wind Project. However, as indicated by the County in their comment, Tule Wind LLC is currently seeking a General Plan Amendment and a Subregional Plan Amendment to rectify identified inconsistencies. Therefore, if the GPA and Subregional Plan Amendment are approved by the County, the Tule Wind Project would be consistent with policies of the Existing General Plan Land Use Element and the Existing Mountain Empire Subregional Plan.
57.0	D.4 Land Use	D.4.3.3 Pgs 106	Impact LU-3: Tule Wind: The portions of the Tule project within County Jurisdiction (Turbines R.1-R-12) does not comply with the Large Wind Turbine Regulations in Zoning Ordinance Section 6951 because the project does not meet the setback and height requirements. The applicant has indicated that they are going to request a Zoning Ordinance Amendment in accordance with Section 7500 et. al. of the Zoning Ordinance. There are no specifics of the request, but the applicant has indicated that they will request to modify the requirements to allow the project as it is proposed. This section and conclusion needs to be revised based upon this comment. Also see the comments provided in Appendix 7 below.		The Final EIR/EIS has been revised to identify inconsistencies between regulations governing large wind turbine development and the proposed Tule Wind Project. However, as indicated by the County in their comment, Tule Wind LLC is currently seeking a Zoning Ordinance Amendment to rectify identified inconsistencies. Therefore, if the ZOA is approved by the County, the Tule Wind Project would be consistent with County's wind turbine regulations.
58.0	D.4 Land Use	D.4.3.3 Pgs 107	Impact LU-3: ESJ: The ESJ project within County Jurisdiction does not comply with the existing General Plan Land Use Policy 2.4 Multiple Rural Use (18) because there are significant impacts to resources. The applicant has indicated that they would apply for a Plan Amendment Authorization in accordance with County Board of Supervisors Policy I-63, which would authorize a General Plan Amendment. This section and conclusion needs to be revised based upon this comment. Also see the comments provided in Appendix 7 below.		The Final EIR/EIS has been revised to identify inconsistencies between policies of the Existing General Plan Land Use Element ESJ Gen-Tie Project However, as indicated by the County in their comment, Energia Sierra Juarez U.S. Transmission LLC is currently seeking a General Plan Amendment to rectify identified inconsistency. Therefore, if the GPA is approved by the County, the ESJ Gen-Tie Project would be consistent with all policies of the Existing General Plan Land Use Element.
59.0	D.4 Land Use	D.4.4: to D.4.7 Alternatives Pgs. 108 to 142.	Revise this section for all project alternatives based upon comments made above about inconsistency between General Plan, Community Plan, and Zoning Ordinance.		Based on the responses provided above, revisions to Section D.4.4 through Section D.4.7 are not required. The LU-3 impact analysis for alternatives relies on the LU-3 analysis for the Proposed PROJECT and therefore, because impact determinations have not been revised in the Final EIR/EIS, additional revisions to the LU-3 impact analysis for alternatives is not required.
Appendix 7					
60.0	Appendix 7	Table 7-2 Page 7-44 and Table 7-3 Pg. 7-76	The portions of the Tule Wind and ESJ US Gen-Tie Projects within the jurisdiction of the County of San Diego may not be consistent with the existing General Plan Land Use Element Policy 2.4, specifically the Multiple Rural Use (18) category. The policy states that, "...development cannot occur unless the proposed development has been carefully examined to assure that there will be no significant adverse environmental impacts, erosion and fire problems will be minimal, and no urban levels of service will be required." The EIR has identified numerous Class I or significant unavoidable impacts for both projects including, Visual Resources, Cultural Resources, Noise, Air Quality, and Wild Land Fire and Fuels Management.		The consistency analysis associated with individual projects (the ECO Substation Project, the Tule Wind Project, and the ESJ Gen-Tie Project) and existing General Plan Land Use Element Policy 2.4 (Multiple Rural Use (18) designation) presented in Appendix 7 has been revised in the Final EIR/EIS. While the consistency determination has been revised the impact determination identified in Section D.4.3.3 of the Final EIR/EIS has not changed. Refer to Appendix 7 analysis for detail.
61.0	Appendix 7	Table 7-2 Page 7-44	Further analysis should be conducted to determine if the specific Class I impacts are related to the portions or components of the Tule Wind Project that are within the County Jurisdictional areas. The specific portion of the Project subject to the Multiple Rural Use (18) is the 138 kV Generation Tie Line from a bit north of I-8 to the Boulevard Substation. The County does not agree that the Project is consistent with the Existing General Plan Policies. A General Plan Amendment may be required to be consistent		The Final EIR/EIS has been revised to clarify that a General Plan Amendment would be necessary in order for the Tule Wind Project to ensure consistency with Existing General Plan Land Use Element Policy 2.4 (Multiple Rural Use (18) designation) (see Appendix 7 analysis).
62.0	Appendix 7	Table 7-3 Page 7-76	The portions of the ESJ US Gen-Tie Project within the jurisdiction of the County of San Diego may need a General Plan Amendment to be consistent with the Multiple Rural Use (18) category.		The Final EIR/EIS has been revised to clarify that a General Plan Amendment would be necessary in order for the ESJ Gen-Tie Project to ensure consistency with Existing General Plan Land Use Element Policy 2.4 (Multiple Rural Use (18) designation) (see Appendix 7 analysis).

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
63.0	Appendix 7	Table 7-2 Page 7-44-45	Conservation Element Policy 4 and 6 (X-22): The Groundwater Analysis is incomplete at this time see comments provided in Section D-12. If the proposed groundwater extraction from the three wells on Rough Acres do not supply adequate amount of water, the proposed alternatives of Jacumba Service District, Live Oak Springs require a Groundwater Extraction Permit from the County. These permits are not analyzed within this EIR. Revise all sections of the Appendix 7 accordingly.		Revision (required Groundwater Extraction Permit) has been incorporated into the Final EIR/EIS in Appendix 7.
64.0	Appendix 7	Table 7-2 and 7-3	GP Update: Delete Policy LU.6-10 - it is not relevant to the project.		Policy LU.6-10 has been deleted from the text (Section D.4.2.3 and Appendix 7).
65.0	Appendix 7	Table 7-2 and 7-3	GP Update: Add a discussion of Land Use Policies LU.6-8, 6-9 and 18-1.		Draft General Plan Update Land Use Element Policies LU-6.8 and 6.9 have been added to Section D.4.2.3 in the Final EIR/EIS and are analyzed for consistency in Appendix 7. Draft General Plan Update Land Use Element Policy LU.18-1 has not been added to Section D.4.2.3 or analyzed for consistency in Appendix 7. Policy LU-18.1 pertains to the compatibility of civic uses with community character (civic uses are defined as libraries, small swap meets, farmers markets, etc.) and since the Proposed PROJECT does not propose new civic uses as defined in the Draft GPU, the policy is not applicable.
66.0	Appendix 7	Table 7-2 and 7-3	GP Update: Add a discussion of Conservation Element Policies COS 11-1, 11-3, 12-1, 12-2, 13-1, 14-10 and 14-11.		Draft General Plan Update General Conservation Element Policies COS-12.1, -14.10 and -14.11 have been added to Section D.4.2.3 and to Appendix 7 for consistency analysis in the Final EIR/EIS. Draft General Plan Update General Conservation Element Policies COS-11.1, -11.3, -12.2, and -13.1 were not added to Section D.4.2.3 and Appendix 7 because these specific policies pertain to the protection of visual resources. The Proposed Project is analyzed for consistency with applicable visual resource policies in Appendix 6.
67.0	Appendix 7	Table 7-2 and 7-3	GP Update: Add a discussion of Safety Element Policies S-3.1, S-3.2, S-3.3, S-4.1, S-8.2, and S-10.5.		Draft General Plan Safety Element Policies S-3.2, S-4.1, S-8.2, and S-10.5 have been added to Section D.4.2.3 and to Appendix 7 (for consistency analysis) of the Final EIR/EIS.
68.0	Appendix 7	Table 7-2 page 7-60 and Table 7-3 page 7-87	GP Update: Delete the discussion of Safety Goal S-4. The analysis should not have a discussion on individual goals, rather the policies and/or implementation measures only.		Draft General Plan Safety Element Goal S-4 has been deleted from Section D.4.2.3 and from Appendix 7 in the Final EIR/EIS. Additionally, based on the direction received from the County in this comment, all goals have been deleted from Section D.4.2.3 and from Appendix 7 in the Final EIR/EIS.
69.0	Appendix 7	Table 7-2 Page 7-67	Boulevard Community Plan: LU Policy 1.3.2 - the Project is not consistent with this policy as currently proposed. The Policy is mislabeled in the draft Plan (1.2.2).		Draft General Plan Update Boulevard Subregional Planning Area Community Plan Policy LU 1.3.2 has been numbered correctly in Section D.4.2.3 and in Appendix 7 of the Final EIR/EIS and the Tule Wind Project's (specifically wind turbines located on County jurisdictional lands) inconsistency with the policy has been identified in Appendix 7.
70.0	Appendix 7	Table 7-2 Page 7-68	Boulevard Community Plan: LU Policy 6.1.2 - the Project may not be consistent with this policy. It needs to be reevaluated.		The consistency analysis associated with the Tule Wind Project and Draft General Plan Boulevard Subregional Planning Area Community Plan Policy LU 6.1.2 has been re-examined in the Final EIR/EIS. With approval of the pending ZOA to address current inconsistencies between the Project and setback and height regulations of the Zoning Ordinance, the Tule Wind Project (components located on County jurisdictional lands) would be consistent with the zoning ordinance and with this community plan policy.
71.0	Appendix 7	Table 7-2 Page 7-73	Zoning Ordinance 6951: The Tule Project does not comply with the Large Turbine Regulations within Zoning Ordinance Section 6951. Specifically, the project does not comply with the maximum turbine height of 80 feet and the turbine setbacks. An applicant or County initiated ordinance change would need to be approved to allow for the turbine component of the County portion of the Tule Wind Project.		The Final EIR/EIS has been revised to identify inconsistencies between regulations governing large wind turbine development and the proposed Tule Wind Project. However, as indicated by the County in their comment, Tule Wind LLC is currently seeking a Zoning Ordinance Amendment to rectify identified inconsistencies. Therefore, if the ZOA is approved by the County, the Tule Wind Project would be consistent with County's wind turbine regulations.
72.0	Appendix 7	Table 7-2 Page 7-71 and Table 7-3 Page 7-90	Existing Mountain Empire Subregional Plan: The proposed project may not comply with the existing Mountain Empire Subregional Plan Policy Industrial 11.0.		See responses to County Section D.4 comments regarding the Proposed PROJECT and potential inconsistencies with Existing Mountain Empire Subregional Plan Industrial Policy 11.
D.5 Wilderness and Recreation					
73.0			No Further Comments		
D.6 Agriculture					
74.0			No Further Comments		
D.7 Cultural and Paleo Resources					

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
75.0	D.7 Cultural	General Comment	All sites must be tested for significance and the analysis must be provided in the EIS/EIR. Any Sites located within the jurisdiction of the County of San Diego must comply with the Resource Protection Ordinance (RPO) and CEQA. It is not adequate to provide preliminary assessments. Significance assessments cannot be made based solely on surface expression. In addition, impact determinations and proposed mitigation must be included in the discussion.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	Assessment of archaeological site significance in the Draft EIR/EIS in Section D.7.2.2. considered criteria identified in Guidelines Section CEQA Statutes Section 21083.2(g) and 15164.5. These CEQA Guidelines do not dictate the extent of investigation required to make a determination of a resource's potential significance. The Draft EIR/EIS characterizes the ability of archaeological sites to address the significance criteria stated in Section 21083.2(g) and 15164.5 based on an exhaustive description of density and variability surface artifacts, and comparison of the site to known the characteristics of well-developed type sites in the project vicinity. Conservative determinations regarding potential site significance are made- the only site types...
					...that are considered not eligible for listing on the NRHP and CRHR are those that clearly cannot fulfill significance criteria such as 15164.5 (D). Has yielded, or may be likely to yield, important information in prehistory or history: . For example, CA-SDI-19618, -19619, -19621, and -19622 surface artifacts suggest that they do not have subsurface depth or represent more than an isolated, ephemeral prehistoric occupation (Engineering-Environmental Management, Inc. 2010). These sites therefore do not appear potentially eligible for listing on the NRHP as a "historic property" and CRHR as "historical resource" (CEQA Guidelines Section 15064.5) under Criterion D, because the sites are not "likely to yield information important to prehistory or history." ...
					...The sites would not be a "unique archaeological resource" as defined by CEQA Statutes Section 21083.2(g), because they do not contain information needed to answer important scientific questions. Therefore, the sites are not considered potentially significant cultural resources.
76.0	D.7 Cultural	General Comment	Provide trinomials for all archaeological sites.		Trinomials are listed except for those sites that have not been assigned the designation from the South Coastal Information Center, CHRIS, San Diego State University
77.0	D.7 Cultural	General Comment	The mitigation measures for cultural resources should be revised to <u>require</u> a Native American monitor at culturally sensitive locations and during ground disturbing activities.		Draft EIR/EIS Mitigation Measure CUL-1A states, "A Native American monitor may be required at culturally sensitive locations specified by the lead agency following government-to-government consultation with Native American tribes. The monitoring plan in the CRTP shall indicate the locations where Native American monitors shall be required and shall specify the tribal affiliation of the required Native American monitor for each location." Therefore, the decision to include a Native American monitor would result from requests made during consultation with affected tribes.
78.0	D.7 Cultural	General Comment	All Native American consultation should take place prior to the finalization of the EIR so that it can be determined whether TCPs will be impacted or avoided by the proposed project.		If Native American consultation is not concluded prior to the finalization of the Final EIR/EIS, the unavoidable adverse impact finding (Class I) shall remain.
79.0	D.7 Cultural	Page D.7-13, Paragraph 1	Page D.7-13 does not make sense as it states that CA-SDI-6115 was relocated and then states further on "because no evidence of prehistoric activity was observed, the two previously recorded archaeological sites CA-SDI-2720 and CA-SDI-6511 are not considered historic resources". Indicate what resources for CA-SDI-6155 were relocated in the field (e.g., the lithic and ceramic scatters) and how the determination of it not being considered historic resources was established. Otherwise, perhaps the first sentence is a typographical error and the paragraph should state that CA-SDI-6115 was NOT relocated. Please correct as appropriate.		The Final EIR/EIS text has been revised to clarify that no evidence of CA-SDI-2720 was observed, and that CA-SDI-6115 was relocated; however, no specific agave roasting pits were observed, only a sparse prehistoric ceramic and stone tool flake scatter. Because no evidence of prehistoric activity was observed at CA-SDI-2720 and only sparse remains were rerecorded at CA-SDI-6115, the two previously recorded archaeological sites CA-SDI-2720 and CA-SDI-6115 are not considered "historic resources," pursuant to NRHP and CRHR eligibility criteria.
80.0	D.7 Cultural	Page D.7-17	Page D.7-17 states that "five new sites and three isolates were identified during the current field survey" which are listed in Table D.7-4. Table D.7-4 only includes four sites (CA-SDI-19066, CA-SDI-19068, CA-SDI-19069, and CA-SDI-19070) and three isolates (P-37-0129818, P-37-030190, P-37-03091). Please revise the information in Table D.7-4 to include the one missing site (presumably CA-SDI-19067)		Information on CA-SDI-19067 has been added to Final EIR/EIS Table D.7-4

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
81.0	D.7 Cultural	Page D.7-19	Page D.7-19 states that site CA-SDI-7063 contains a rock shelter, however, the eligibility evaluation indicates that "based on the extremely sparse nature of the artifact scatters noted at the previously listed sites, it is likely that these prehistoric sites are not potentially eligible for listing on the NRHP and CRHR." The County disagrees with this statement for site CA-SDI-7063 as rock shelters are not a common resource found in San Diego County and are potentially very significant and often sacred to local Native American tribes. The County believes that site CA-SDI-7063 is considered a significant historic property under NRHP and a significant historic resource under CEQA. The site is also likely a "unique" archaeological resource as defined by CEQA. Further review of this resource is needed in the EIR and appropriate mitigation provided to account for project impacts to this significant site.		The EIR/EIS preparer concurs that CA-SDI-7063 is potentially eligible for listing on the NRHP and CRHR based on characteristics noted on the ground surface, including the rock shelter.
82.0	D.7 Cultural	Page D.7-21	Page D.7-21 states that a total of 39 previously recorded sites were found within the 2008 ROW and the updated record search resulted in an additional seven sites within the APE in 2009 (totaling 46 sites). Table D.7-5 shows 47 archaeological sites. Please correct this discrepancy in the data.		The Final EIR/EIS text has been revised to state that "the search identified a total of 40 previously recorded archaeological sites within the 2008 ROW."
83.0	D.7 Cultural	Page D.7-25	Page D.7-25 indicates that there are 102 total new sites identified within the ROW and APE for the Tule Wind Project and then states that they are listed in Table D.7-6. Table D.7-6 indicates that there are 108 new resources. Please correct this discrepancy in the data.		The Final EIR/EIS text has been revised to include the results of systematic archaeological surveys throughout the balance of the Tule Wind Project APE. The revised text states: "A total of 108 new sites were identified as a result of the records search and additional intensive archaeological survey. The remaining areas within the APE that had not been systematically surveyed prior to issuance of the Draft EIR/EIS were investigated in 2010 (ASM 2011)...."
					...The supplemental Class III survey identified 64 new cultural sites, and 91 isolated finds. A total of 177 cultural sites have been recorded in the Tule Wind Project APE, and 43 in the Class II sample survey.
84.0	D.7 Cultural	Page D.7-25	Table D.7-6 has no data under column "Potential Eligibility NRHP Status" for site CA-SDI-19851. Revise the table and any sections that use this information for data analysis.		CA-SDI-19851 is a lithic scatter that is considered, based on the absence of subsurface deposits, to be likely ineligible for listing on the NRHR and CRHR.
85.0	D.7 Cultural	Page D.7-25	Table D.7-6 has several temporary numbers (e.g. Tule-BC-01) rather than trinomial numbers. Please revise the table to include the trinomial numbers given when submitted to SCIC and associated text.		Permanent trinomial numbers have not been assigned by SCIC.
86.0	D.7 Cultural	Page D.7-31	Page D.7-31, first paragraph, remove the term "aboriginal."		"Aboriginal" has been deleted.
87.0	D.7 Cultural	Page D.7-31	Page D.7-31, remove "historic petro glyph" and replace with "historic carving."		"petroglyph" has been revised to state "rock carving."
88.0	D.7 Cultural	Page D.7-31, paragraph 2	Revise the data as follows: Twelve of these are prehistoric sites (either large or small campsites); one is historic-period Highway 80, one contains both prehistoric and historic components; and one is a historic home site. Also indicate what site CA-SDI-6119 is in this discussion as it is not included in Table D.7-8.		"Thirteen of these sites..." has been changed to "Twelve of these sites..." The Draft EIR/EIS states that CA-SDI-6119 has been determined by testing to not be eligible for listing on the NRHR and CRHR.
89.0	D.7 Cultural	Page D.7-32, last paragraph	Revise the data as follows: Of the sixteen previously unrecorded cultural resources, seven were lithic reduction areas (one had a ceramic shard associated with it), two were lithic scatters, one was a ceramic scatter, and there were six isolates (ceramic and lithic).		Changes have been made consistent with the comment.
90.0	D.7 Cultural	Page D.7-32, last paragraph	Revise the following sentence, "The remaining five newly recorded sites within the ESJ Gen-Tie APE, CA-SDI-19480, -19484, -19485, -19486, -19489, have not been evaluated for their eligibility..."		Changes have been made consistent with the comment.
91.0	D.7 Cultural	Page D.7-33	Table D.7-8 does not include site CA-SDI-6119 which according to Page D.7-51 will be directly impacted by the proposed project. Revise the table to include CA-SDI-6119 and any associated text.		Changes have been made consistent with the comment.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
92.0	D.7 Cultural	Page D.7-34, first paragraph	Revise the following sentence, "Additionally, the sites are potentially "unique" archaeological resources..."		The Final EIR/EIS has been revised to state: "Additionally, the sites are not "unique" archaeological resources as defined by CEQA Statutes Section 21083.2(g), because they may do not contain information needed to answer important scientific questions; there may be is not demonstrable public interest in that information; and they may or not be directly associated with a scientifically recognized, important prehistoric event.
93.0	D.7 Cultural	Page D.7-51	Page D.7-51, include information regarding the County of San Diego Guidelines for Determining Significance- Cultural Resources in this section.		As the County of San Diego is not Lead Agency Under CEQA, the County of San Diego Guidelines for Determining Significance- Cultural Resources are not addressed.
94.0	D.7 Cultural	Page D.7-57, first full paragraph	It is unclear if CA-SDI-6115 was relocated or not (see previous comment). If it was relocated then there should be nine prehistoric sites listed within the ECO Substation Project.		The Final EIR/EIS has been revised to state: "CA-SDI-6115 was relocated; however, no specific agave roasting pits were observed, only a sparse prehistoric ceramic and stone tool flake scatter."
95.0	D.7 Cultural	Page D.7-57, third paragraph	The County does not agree with the analysis that there would be no indirect impact to the potentially significant, early twentieth century homestead, historic well, and corral with associated artifacts (CA-SDI-7011H). The introduction of a Substation in this area would change the original setting that may add to the significance of the site. This section should be revised to state that there is a potential impact and mitigation must be proposed.		CA-SDI-7011H is not recorded in the vicinity of the proposed ECO Substation. Rather, it is located over 250 feet south of the proposed 138kV Transmission Line. The distance of the placement of the 138kV Transmission Line would preclude any substantial change to the setting that may potentially contribute to the site's NRHP and CRHP listing eligibility.
96.0	D.7 Cultural	Page D.7-59, second paragraph	The County recommends that MM CUL-1B be revised to include that a Native American monitor also be present during all ground disturbing activities at all cultural resource ESAs.		The Draft EIR/EIS Mitigation Measure CUL-1A states, "A Native American monitor may be required at culturally sensitive locations specified by the lead agency following government-to-government consultation with Native American tribes." Therefore, the results of tribal consultation would dictate those circumstances where Native American monitors would be present during construction.
97.0	D.7 Cultural	Page D.7-60, last paragraph, first sentence	The first sentence states that there are 22 archaeological sites within the presently surveyed project APE and 10 within the ROW that may be determined eligible. It is unclear where these numbers came from as Table D.7-6 indicates 15 archaeological sites within the APE that are eligible and 10 within the ROW that may be eligible. Please clarify.		Table D.7-6 has been revised to reflect supplemental Class III archaeological survey results. This has resulted in 25 archaeological sites recorded within the Tule Wind APE that are considered potentially eligible for NRHP and CRHR listing.
98.0	D.7 Cultural	Page D.7-60	This section should evaluate the effects of the eight archaeological sites identified in Table D.7-7, page D.7-32 for the Sunrise-Powerlink Transmission Line Project, which overlaps with Tule Wind project.		Table D.7-7 has been revised to include potential NRHP- and CRHR eligibility determinations completed as part of the Tule Wind archaeological project investigations (ASM 2010, 2011). The seven sites were included in Table D.7-6 in the Draft DEIR/EIS, and considered under the Tule Wind project setting, impacts, and mitigations.
99.0	D.7 Cultural	Page D.7-61, last paragraph	It is unclear what is meant by the "remaining 10 sites within the project APE have not been formally tested." The information in Table D.7-8 indicates that there are 10 archaeological sites (plus CA-SDI-6119 which has been inadvertently left out of the table) and six isolates which total 16 resources. Since the previous paragraph discussed four sites, the remaining sites should equal 7 not 10. Please correct this in discrepancy in the data.		The Final EIR/EIS has been updated with the results of supplemental Class III surveying. Text has been revised to reflect these data.
100.0	D.7 Cultural	Page D.7-68, first paragraph	This section does not include the potentially significant early twentieth-century homestead, CA-SDI-7011H, historic well and corral identified within the ECO Substation project (discussed on Page D.7-19). This resource must be discussed in this section as a potentially adverse impact to a significant historic architectural (built environmental) resource.		The Final EIR/EIS Table D.7-3 has been revised to correct incomplete site description for CA-SDI-7011H. According to the Class III archaeological survey report (ASM 2010), CA-SDI-7011H is located 200 feet outside of the proposed 138 kV Line.
					While the proximity of the 138 kV transmission line to the these residential buildings constitutes a visual intrusion on their viewsheds, the viewshed is not a characteristic that contributes to the buildings' eligibility for NRHP or CRHR listing, and the visual intrusion does not constitute an adverse effect under 36 CFR 800 or a significant visual impact under CEQA.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
101.0	D.7 Cultural	Page D.7-68, first paragraph	The County does not agree with the statement that the replacement of the wooden poles with higher steel transmission poles would not change the character of the San Diego and Arizona Railroad and Old Highway 80, would not result in a substantial change in the historical significance pursuant to CEQA, nor create a visual impact to the existing setting. Discuss the age of the wooden poles and whether they are associated with the potentially historic resources. If of the same age as the roadway or railroad, the wooden poles may be contributing elements to the significance of the railroad and highway historic character and would need to be evaluated further as a potential impact to these if they were to be removed since they contribute to the historic setting.		The Final EIR/EIS text has been refined to clarify the basis for conclusions that removal of wooden poles and replacement with metal would be complementary to the existing metal transmission towers. The significance of the San Diego and Arizona Railroad and Old Highway 80 are based on their individual building materials relative to when they were constructed, rather than surrounding built environment including the transmission towers.
102.0	D.7 Cultural	Page D.7-76	Table D.7-10 should identify ECO-CUL 4 as a Class II or I impact based on the evaluation of impacts to the potentially historic house, well and corral (CA-SDI-7011H) and segments of Old Highway 80 and San Diego and Arizona Railroad.		Please see response to comment 101 in the matrix.
103.0	D.7 Cultural	Page D.7-78	Revise the following sentence, "Additionally the site is not a unique archaeological resource as defined by CEQA Statutes Section 21083.2(g), because they do not contain information needed to answer important scientific questions; there is no demonstrable public interest in that information; and they are not directly associated with a scientifically recognized, important prehistoric event."		The Final EIR/EIS text has been revised in this case to refer exclusively to CA-SDI-6119.
104.0	D.7 Cultural	Page D.7-78, paragraph 3	Include the primary numbers for the four historic period archaeological isolates.		The project technical report does not provide primary numbers for the isolates. The Final EIR/EIS includes the temporary designations ISO-1 through ISO-4.
105.0	D.7 Cultural	Page D.7-79, last paragraph	The County believes that this alternative would be less impactful to the built environment since the undergrounding of the lines would not impact the setting of the potentially historic house, well and corral (CA-SDI-7011H) and segments of Old Highway 80 and San Diego and Arizona Railroad. The setting may be a contributing factor in the significance of these resources.		Please see response to comment 101 in the matrix. The surrounding transmission towers are not contributing elements to the NRHP and CRHR eligibility of an Diego and Arizona Railroad and Old Highway 80.
106.0	D.7 Cultural	Page D.7-82, Impact CUL-4	The County does not agree with the conclusion that the modern project elements would not introduce long-term indirect visual impacts that would materially alter the roadway, railroad, and historic house (CA-SDI-7011H) or that it would not alter its historical significance or eligibility for inclusion in the NRHP or CRHR. Please revise this analysis to substantiate these claims since the setting would be altered which may be a contributing factor in the significance of these resources.		Please see response to comment 101 in the matrix.
107.0	D.7 Cultural	Page D.7-83, Impact CUL-4	Impact CUL-4 states that the undergrounding would remove current visual impacts to the railroad and Old Highway 80 by removing poles and lines. This section is counter to the previous information in the EIR on Pages D.7-79 and D.7-82 which states that there are no visual impacts from the poles and lines (current or proposed). The County agrees with the analysis in this section and believes that the other sections should be revised to discuss the visual impact on the setting of these historic resources.		This impact determination indicates that removal of the transmission towers and lines would reduce impacts on the view shed caused by these incursions in the landscape. Replacement of wooden poles within metal poles would have no affect on the existing massing of the towers and power lines that are visible from both transportation corridors. No change to the Final EIR/EIS is necessary.
108.0	D.7 Cultural	Page D.7-89, Impact CUL-1	Include the trinomial for the habitation site described in this paragraph.		This reference to CA-SDI-19001/19003 has been included in the Final EIR/EIS.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
109.0	D.7 Cultural		A portion of the ECO 138 kV Transmission line cuts across a dedicated County Open Space Easement (Recorded # 82-355323) along Mile Posts 6 and 7 on parcel numbers 659-110-20 and 659-110-19. The open space easement is for the protection of sensitive cultural resources. The DEIR/EIS should address the environmental analysis and mitigation that is required in order for SDG&E or the County to avoid and vacate the openspace easement for the portions of the 138kV line encroachment. As discussed in a meeting with representatives for SDG&E on November 30, 2010, the open space easement for CA-SDI-7009, might be impacted by the proposed ECO project. It was decided by SDG&E archaeologist Susan Hector that the easement did not encompass the entire archaeological site and that the open space easement (owned by the County of San Diego) should be enlarged to include the outside significant portions. This information was not included in the DEIR and must be discussed in further detail as a mitigation measure. In addition, a discussion of site CA-SDI-7009 has not been included in the entire DEIR and is a site that will be impacted by the ECO project.		Refer to response to comment 34.1, above.
110.0	D.7 Cultural	Page D.7-91, Impact CUL-1	Include the trinomial for the habitation site described in this paragraph.		Impact CUL-1 in Section D.7.5.4 has been revised to state, "This alternative has a habitation site (CA-SDI-19001/19003) located along the alternative transmission line alignment, south of I-8."
111.0	D.7 Cultural	Page D.7-95 and D.7-97, Impact CUL-4	This impact is incorrectly analyzed as historic artifacts are considered historic archaeology and not part of the built environment as Impact CUL-4 is discussing. Impacts to historic artifacts must be analyzed under CUL-1 throughout the document.		The Final EIR/EIS has been revised to state the following for Impact CUL-4, ESJ Gen-Tie Project: No historic architectural structures are recorded within the ESJ Gen-Tie APE. Therefore, no impact on historic-period structural resources would result (No Impact). This revision is referenced throughout the document.
112.0	D.7 Cultural	Page F-87, second to last paragraph	Include the historic house (CA-SDI-7011H) in this discussion.		The Final EIR/EIS has been revised to include the trinomial CA-SDI-7011 H to the description of the "potentially significant early twentieth century homestead" under Impact CUL-1 for the ECO Substation Project.
113.0	D.7 Cultural	Pg 7-26	The entire site for ESJ was surveyed and the sites were tested for significance. The ESJ Section needs to be changed to reflect this. A discussion of the significance of the sites for RPO needs to be discussed as evaluated in the report prepared by EDAW (AECOM).		The Draft EIR/EIS section D.7.1.2 Record Search and Survey Results describes that sites in the ESJ corridor have been tested. "Excavations at CA-SDI-6119, -19488, -19490, -19492, -19493, and -19494 have determined that they are not eligible for listing on the NRHP as an "historic property" and listing on the CRHR as "historic resource," or the testing has exhausted their research potential (EDAW 2010)...The remaining five newly recorded sites within the ESJ Gen-Tie APE, CA-SDI-19480, -19484, -19485, -19486, -19489 have been evaluated for their NRHP eligibility as "historic properties" and CRHR eligibility as "historic resources" (EDAW, Inc. 2010). Therefore, they are considered potentially eligible for listing on the NRHP and CRHR (CEQA Guidelines Section 15064.5) under Criterion D, because the sites are "likely to yield information important to prehistory or history."
CD.7 Cultural Specific to ESJ Water Extraction Site P10-014					
114.0	D.7 Cultural	Comment 1: ESJ H2O Permit 10-014	The EIR must include the two identified cultural resources CA-SDI-4455 and P-37-024023 that are within the MUP Water Extraction Permit area. See Cultural Resource report prepared by AECOM Stacey Jordan dated February 2011. These resources must be reviewed for evaluation under the County's Resource Protection Ordinance (RPO). The County believes that CA-SDI-4455 (the village of Hacum) is considered a "unique resource" that is significant under RPO. As such, the site must be avoided. Also, the EIR should indicate that the site should not be used as a staging area due to the high sensitivity of cultural resources in the area.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	The Final EIR/EIS has been revised to incorporate results of the AECOM 2011 ASR for the Energia Sierra Juarez U.S. Major Use Water Extraction Permit provided by the County of San Diego in their comment on the Draft EIR/EIS. The two identified cultural resources CA-SDI-4455 and P-37-024023 are identified in Table D.7-8 and discussion, and Impact CUL-1, CUL-2, and CUL-4 for the ESJ Gen-Tie Project. The intensive survey of the APE within the vicinity of CA-SDAI-4455 did not identify any cultural resources associated with the village of Hacum. Subsurface testing would be conducted as an element of the MOA to verify the absence of cultural remains. Any potential adverse impacts shall be avoided pursuant to Mitigation Measure CUL-1. This can be achieved, for example by placement of protective geotextile grid and sterile fill soils within the access road.
115.0	D.7 Cultural	Comment 2: ESJ H2O Permit 10-014	The EIR must analyze sites SDI-4455 and P-37-024023 and determine if impacts will occur from the MUP Water Extraction Permit operations.	MAJOR ISSUE: DEFERRAL OF ANALYSIS	Please refer to response to comment 114, above.
D.8 Noise					
116.0	NOISE		As previously requested, the Final EIR/EIS must include analysis addressing High and Low Frequency Noise Sources (dBC weighted noise analysis) as provided below in Table 4 from the County of San Diego Draft Noise Guidelines. This analysis must included in order to accurately determine if the project would cause a substantial permanent or periodic increase ambient noise levels in the project vicinity above levels existing without the project. There is sufficient evidence in the field of Noise that a dBC weighted noise measurement exists with Wind Turbines. This potential noise pollution needs to be analyzed to determine if it would affect adjacent or nearby property owners. The DEIR/EIS fails to analyze the project noise impacts in accordance with the CEQA Appendix G Noise section XII.c and d)	MAJOR ISSUE: DEFERRAL OF ANALYSIS - C WEIGHTED NOISE ANALYSIS	Please refer to common response NOI2, regarding analysis of audible and inaudible sound, common response INT2, regarding the general adequacy of the Draft EIR/EIS, and common response INT3, regarding mitigation measure deferral.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
117.0	D.8.3.3 Impact Analysis	See location in Figure B-22.*	Tule Wind: The concrete batch plant would be subject to the sound level limits within County Code section 36.404 because it is not considered a temporary operation (e.g. it will operate for more than three months).		As noted in Table D.8-8, Noise Level Results for Construction and Batch Plant Operations, sound levels anticipated to be generated by operation of the concrete batch were modeled and included in the Impact NOI-1 analysis for the Tule Wind Project. There is not a 3-month time period adopted within the County Code for construction activities, and the batch plant is a temporary construction activity which is exempt from Section 36.404 of the County Code.
118.0	D.8.3.3 Impact Analysis	Page D.8-18, section ECO Substation	Nighttime construction would result in a significant and unmitigated noise impact. To further support this identified construction noise impact; please show the specific area(s) of noise impact on a figure illustration. Additionally, state that the noise impact is for the operation of construction equipment during night time hour which is not in compliance with Section 36.408 within the County Noise Ordinance. Applicants have stated that locations of nighttime construction activities are unknown; however, additional information is required to disclose the "worst-case scenario" and to substantiate the significant and unmitigated impact. Pursuant to CEQA, it is not adequate to simply state construction activities cannot be mapped and conclude the impact to be unmitigable. Please see previous County comment number X which further explains required information for all Class I, significant and unmitigated impacts.	MAJOR ISSUE: CEQA FINDINGS/CLASS I IMPACTS	Please refer to common response INT2, regarding general adequacy of the Draft EIR/EIS. In addition, Section D.8.3.3 Impact NOI-1 (ECO Substation Project - ECO Substation) states that "the property line of the nearest residence would be approximately 500 feet southwest of the site." While a map of this location is not provided in Section D.8, a map has been provided in Section D.4, Land Use. The Class I impact determination for this residence is contained with the noise impact analysis pertaining solely to consistency with the County Noise Ordinance and Section 36.408 is the only section referenced in this discussion. As discussed in Section B, Project Description of the EIR/EIS, construction activities associated with the Tule Wind Project are expected to occur between 7:00 a.m. and 7:00 p.m., Monday through Saturday, but may involve extended hours as needed to complete certain construction activities. If construction for the Tule Wind Project occurs outside of the hours permitted by the County of San Diego, the applicant would follow established protocol and seek a variance from the County's noise requirements consistent with County Code Section 36.423. The applicant would also provide advanced notice to property owners within 300 feet of planned construction activities, which would include information regarding the start and completion dates of construction, and the hours of construction. In addition, implementation of APM TULE-NOI-4 would further minimize noise impacts associated with construction of the Tule Wind Project. If a variance from the County's approved construction hours cannot be obtained from the County, construction of the Tule Wind Project would not occur outside the normal hours of construction.
119.0	D.8.3.3 Impact Analysis	D.8.3.3 Impact Analysis	Rather than identifying NOI-1 for blasting as a significant impact, calculations should demonstrate that blasting activities are in compliance with existing regulations (Sections 36.409 and 36.410).	MAJOR ISSUE: CEQA FINDINGS/CLASS I IMPACTS	General areas or exact locations will be identified by results of a geotechnical investigation. Therefore, because the locations of blasting areas are unknown at this time, the impact is conservatively considered a significant impact.
120.0	D.8.3.3 Impact Analysis	Page D.8-24, last paragraph	Identify and label the locations of the construction noise impacted boundary lines. Show this in a figure illustration to further support the results on Table D.8-7.		A reference to Table 5, Construction Traffic Noise Summary, of the revised Draft Noise Analysis Report, has been incorporated into the Final EIR/EIS. The residences (Home ID) listed in Table 5 correspond to the residences (and property boundary) depicted on Figure 5 of the Draft Noise Analysis Report. The residences and boundary lines also correspond to the residences listed in Table D.8-8, Noise Level Results for Construction and Batch Plant Operations, in Section D.8 Noise of the EIR/EIS.
121.0	D.8.3.3 Impact Analysis	Page D.8-26	MM NOI-2, please identify and label the locations of the affected legally occupied properties. Show the locations where portable noise barriers are required. Quantifiable data is required to support the recommended noise mitigation measures and to justify whether noise levels could be further reduced. CPUC Response: "Table D.8-7 has the noise levels, the HDR noise report has a figure showing locations of homes. Locations of where barriers will be needed are not provided at this time." While the applicants have indicated barrier locations can not be provided at this time, quantifiable data is required to demonstrate the adequacy of mitigation measures. The document must go further and indicate locations that barriers will be required, or update the mitigation measures with the locations or planned areas.	MAJOR ISSUE: CEQA FINDINGS/MM RATIONALE	Please refer to comment 120.0, above. The locations where portable noise barriers are proposed are listed in Table 21, Barrier Reduction Results, of the Draft Noise Analysis Report (HDR 2011). The residences listed correspond to those depicted on Figure 5 of the same report. Additional analysis including the consideration of time constraints to further reduce noise levels anticipated at impacted residences, is included in Table 22, Barrier Reduction and Time Constraint Results, of the Draft Noise Analysis Report.
124.0	D.8.3.3 Impact Analysis	Page D.8-11, Table D.8-4	Revise table to be consistent with the most up-to-date County Noise Ordinance, section 36.404. S88 as shown within the DEIR Table D.8-4 must be revised. Table D.8-4 must be revised to be consistent with Table 36.404 within the County Noise Ordinance. Please remove S88 from Table D.8-4		Table D.8-4 has been revised in the Final EIR/EIS.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response															
125.0	D.8.3.3 Impact Analysis		Include a noise evaluation for proposed sonic detecting and ranging unit (SODAR). These units depending upon manufacture make a noise that can exceed 89 dB. Provide quantitative data that shows this proposed noise generating unit complies with the County Noise Ordinance, Section 36.404.		The noise analysis pertaining to operation of the SODAR units has been incorporated into the Final EIR/EIS. As stated in Section D.8 (as well as in the Draft Noise Analysis Report (HDR 2011), noise modeling indicates that no noise impacts are predicted to occur due to SODAR noise. The Draft Noise Analysis Report (HDR 2011) provides an analysis of project-related sound including the SODAR unit. The nearest residential property boundary is located approximately 4,500 feet from the proposed SODAR unit. The calculated noise contribution from the SODAR unit is less than 0 dB(A) on an hourly Leq basis at all residential property boundaries. This means that the sound levels from the SODAR experienced at residences are low enough that they fall below the reference pressure level used in calculating dB. Therefore, no noise impacts are predicted to occur due to SODAR noise. Please refer to Section 3.2 and Appendix B of the draft sound study for additional details concerning the SODAR sound emissions and modeling.															
126.0	D.8.3.3 Impact Analysis		Include the following reference Table 4, which is an excerpt from the draft County Noise Guidelines:		Since the referenced County Draft guidelines for low frequency noise are not yet adopted, this table has not been included in the Final EIR/EIS.															
<p>Whenever high or low frequency noise from industrial facilities including gas turbine power plants, transformer substations, and wind turbine systems, may exceed the allowable one-hour sound level limits measured at the property line or at any place on the property receiving the noise, the standards specified in Table 4 shall be used.</p> <p>The project would generate low or high frequency noise which, together with noise from all sources, would be in excess of the following:</p> <p style="text-align: center;"><u>Table 4.</u></p> <p>Guideline for Determining the Significance of High or Low Frequency Noise Sources</p> <p style="text-align: center;">MAXIMUM SOUND LEVEL LIMITS IN DECIBELS (dBC)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">ZONE</th> <th style="width: 30%;">TIME</th> <th style="width: 35%;">dBC</th> </tr> </thead> <tbody> <tr> <td>(1) RS, RD, RR, RMH, RRO, RC, RM, A70, A72, S81, S86, S87, S90, S92, RV, RU, and all Village zones (V1-5).</td> <td>Anytime</td> <td>The lesser of $L_{C_{90}} = L_{C_{90}} + 5$ or $L_{C_{90}} = 55$</td> </tr> <tr> <td>(2) S80, S94, and all commercial zones.</td> <td>Anytime</td> <td>$L_{C_{90}} = 65$</td> </tr> <tr> <td>(3) S82, M50, M52, M54, M56, and M58 zones.</td> <td>Anytime</td> <td>$L_{C_{90}} = 70$</td> </tr> <tr> <td>(4) S88 and public lands (see subsections (c) below)</td> <td>Anytime</td> <td></td> </tr> </tbody> </table> <p>Source:</p> <p>(a) For prominent tones or if the noise is of an intermittent character, the permitted sound level shall be the $L_{C_{90}}$ sound level standards specified in Table 1 and Table 4 reduced by five (5) dBA or dBC, respectively.</p> <p>(b) One-third (1/3) octave band sound level measurements may be used if determined that the $L_{C_{90}}$ measurements inadequately characterize the sound. If this approach is used, a five (5) dB increase in any one-third (1/3) octave band above an adjacent band shall be considered a violation of this chapter.</p> <p>(c) S88 zones are Specific Planning Areas which allow different uses. The sound level limits in Table 4 above that apply in an S88 zone depend on the use being made of the property. The limits in Table 4, subsection (1) apply to any property with a residential use. The limits in subsection (2) apply to any property with a commercial, agricultural or civic use. The limits in subsection (3) apply to any property with an industrial use that would be allowed only in an M50, M52, M54, M56, or M58 zone.</p>						ZONE	TIME	dBC	(1) RS, RD, RR, RMH, RRO, RC, RM, A70, A72, S81, S86, S87, S90, S92, RV, RU, and all Village zones (V1-5).	Anytime	The lesser of $L_{C_{90}} = L_{C_{90}} + 5$ or $L_{C_{90}} = 55$	(2) S80, S94, and all commercial zones.	Anytime	$L_{C_{90}} = 65$	(3) S82, M50, M52, M54, M56, and M58 zones.	Anytime	$L_{C_{90}} = 70$	(4) S88 and public lands (see subsections (c) below)	Anytime	
ZONE	TIME	dBC																		
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(4) S88 and public lands (see subsections (c) below)	Anytime																			
127.0	EIR, Section D.8.10	Section D.8.10, page D.8-59 References.	Please update this section to include the current references for <i>Audible Noise Performance for the Construction Activities Associated with the Energia Sierra Juárez U.S. Gen-Tie Project</i> and the <i>Tule Wind Project Draft Noise Analysis Report</i> dates are not consistent most available version. Please revised accordingly.		The comment is noted and the suggested revision (for the Tule Wind Draft Analysis Report) has been incorporated into the Final EIR/EIS. The ESJ noise analysis referenced by the commenter pertaining to construction activities associated with alternatives to the ESJ Gen-Tie project. This information would only be applicable to project alternatives and Section D.8 of the Draft EIR/EIS concludes that noise impacts associated with construction of alternatives would be similar to the proposed ESJ Gen-Tie Project. Therefore, as the Draft EIR/EIS does not reference this report (the information is not provided in Section D.8), the suggested revision to the Final EIR/EIS is not necessary. The report is however available for review at the CPUC project website: http://www.cpuc.ca.gov/environment/info/dudek/ecosub/ESJ_TS.htm															

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
128.0	EIR, Section D.8.11	Table D.8-4	Include the subsection (c) from Table 36.404, County Noise Ordinance. This subsection specifically describes the applicable sound level limits for an S88 zone.		Suggested revisions have been incorporated into the Final EIR/EIS.
129.0	EIR, Section D.8.12	Section D.8.3.3. page D.8-32	Under Impact NOI-3, Tule Wind Project Section, the last paragraph (that begins with "In the analysis. . ."), please include a discussion that describes the requirements for "High or Low Frequency Noise (C-weighted requirements)" as referenced within the Table 4 above.		Please refer to common response NOI2 regarding the appropriateness of A-weighted noise measurements.
130.0	EIR, Section D.8.13	Section D.8.3.3. page D.8-32	Under Impact NOI-3, Tule Wind Project Section, Table D.8-9, please revise this table to include a new column with values for Noise level Leq dBA.		The comment is noted and will be included in the proposed record and considered during project deliberation.
D.9 Transportation and Traffic					
131.0	D.9 Transportation and Traffic	1.2, D.9-7, 2nd paragraph, 2st sentence	"County of San Diego Draft General Plan Mountain Empire Mobility Network" - Please Refer to County Bicycle Transportation Plan: http://www.sdcounty.ca.gov/dplu/docs/Bicycle_Transportation_Plan.pdf . Also, please remove all references to the City of San Diego's plan.		In response to this comment, Section D.9.1.2 has been revised to include reference to the County of San Diego Bicycle Transportation Plan and City of San Diego plan references have been removed.
132.0	D.9 Transportation and Traffic	MM TRA-1	A conceptual traffic control plan is necessary to address the feasibility of MM TR-1. The plan could be an appendix to the EIR/EIS or Traffic Study. It should address each project component with a diagram of the access routes that the construction traffic would be expected. Nodes of use should be marked such as parking areas and staging areas. Possible road closures and lane closure should be noted. The plan should present a list of measures designed to minimize traffic impacts during construction specific to each project component. The project will be required to apply for a County of San Diego Traffic Control Permit (TCP) for work within or near County ROWs where traffic operations may be affected. A construction and/or encroachment permit may also be required. The TCP will likely include a Traffic Control Plan with traffic measures and details that will be implemented to ensure that traffic operations on public roads (including motorists, pedestrians and bicyclists) during construction are adequately addressed, and may exceed measures found in standard government manuals for traffic control.	MAJOR ISSUE: MITIGATION DEFERRAL	Mitigation Measure TRA-1 is not considered mitigation deferral as a traffic control plan, which would include all measures denoted in MM TRA-1, would be implemented for all components of the Proposed PROJECT. Please refer to common response INT3, regarding deferral of mitigation.
133.0	D.9 Transportation and Traffic	MM TRA-2	During construction, road closures should be avoided to the extent possible and all measures should be taken to avoid closure of a County Circulation Element (CE) road. The conceptual Traffic Control Plan prepared for the EIR/EIS must identify if the construction plan includes any road closures and what traffic measures are need to allow traffic to pass. The impacts of detour routes and closures should be addressed in the EIR/EIS. If CE roads are proposed for closure, a detour route shall be identified and the environmental effects impacts of the detour assessed, including the amount of traffic that will be diverted onto the detour route, the duration and time frame in which the closure would take place.	MAJOR ISSUE: MITIGATION DEFERRAL	See response to comment above regarding Mitigation Measure TRA-1 above. Please refer to common response INT3, regarding deferral of mitigation.
134.0	D.9 Transportation and Traffic	Page D.9-87, References	LLG (Linscott, Law, and Greenspan Engineers) 2010 should refer to the most recent study, "Full Traffic Impact Study for the Tule Wind Project (MUP 09-019), September 13, 2010". This study was received and reviewed by the County of San Diego.		In response to this comment, all references to the LLG Traffic Impact Study have been updated to reflect the most recent study conducted in February of 2011.
Full Traffic Impact Study for the Tule Wind Project (LLG 2010)					

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
135.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	The Transportation Planning Section of the Department of Public Works has reviewed the Full Traffic Impact Study for the Tule Wind Project (MUP 09-019) dated September 13, 2010 and prepared by Linscott, Law, and Greenspan Engineers; however, the report posted online was dated March 26, 2010. The report requires revisions as detailed in the following comments below. The Full Traffic Impact Study for the Tule Wind Project (MUP 09-019) needs to be revised and incorporated into the DEIR.		This comment is noted. Please refer to common response INT4. Additionally, each section of the EIR/EIS lists references used in the preparation of that section, including the studies used to support the analysis and conclusions presented in the EIR/EIS. The referenced sections provide all studies used as reference and background material within the analysis of each applicable section of the EIR/EIS. All important data or material was incorporated directly into the analysis of the EIR/EIS. No additional information from the reports is relied upon for the analysis or conclusions aside from the specific discussion within the Draft EIR/EIS or what was included within the appendices. The EIR/EIS includes summarized technical data pursuant to Section 15147 of the CEQA Guidelines, and provides sufficient material "to permit full assessment of significant environmental impacts by reviewing agencies and members of the public." Any reports associated with highly technical analysis were made available for public review as described in Section A.6.1, Incorporation by Reference, of the EIR/EIS. As indicated in Section A.6.1, these documents are available on the CPUC's project websites: http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECOSUB.htm http://www.cpuc.ca.gov/environment/info/aspensunrise/sunrise.htm http://www.cpuc.ca.gov/Environment/info/aspensunrise/toc-rdeir.htm . In addition, the BLM's project website provides a link to the CPUC's website, which includes project documentation: http://www.blm.gov/ca/st/en/fo/elcentro/nepa/tule.html . Material that is not of such a nature and could be summarized in the EIR/EIS was not included in the appendices. Additional material cited in the reference section at the end of each impact category included material utilized as source documents, which can be cited to pursuant to CEQA Guidelines, Section 15148, and are not required to be included in the EIR/EIS. All references to the LLG Traffic Impact Study have been updated to reflect the most recent study conducted in 2011.
136.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. i should note that the County's Guidelines for Significance have been updated as of February 19, 2010.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
137.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Map information in Figures 2 and 3 is not very legible. The revised Full Traffic Impact Study should provide enhanced versions of the two figures.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
138.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Figure 3 has a legend note of existing roads to be improved and new roadways. Section 4.2 (Pg.30) should include a preliminary list of the access roads that the project will improve and/or construct and the project areas that will be served by the access roads. The list should describe the road's status as Circulation Element, County maintained public, or private roads.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
139.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 16 should explain the basis for the estimate that a typical peak construction day would consist of 200 trucks and 125 employees.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
140.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 16 should provide an estimate of the volume of post-construction traffic generated by the proposed project.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
141.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 2 identifies the project will include a temporary 10-acre parking area. The TIS should identify the location of the parking area, during what period the temporary parking area will be used, and what project operations will require such a large parking area.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
142.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 26 should note that the project would be a part of cumulative impacts that may not be included in the study area roads. Therefore, mitigation will be payment into the TIF program. The Full Traffic Impact Study can reiterate the post-construction/buildout conditions (10 employees described on Pg. 16) which will be the basis of the project's TIF obligation.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
143.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	The Full Traffic Impact Study should note that prior to construction that Traffic Control and Truck Route plans may be required due to the large volume of truck traffic.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
144.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	The Full Traffic Impact Study should note that construction and encroachment permits will be required from the County and/or Caltrans for any work performed within their respective Right-of-Ways. The permits will also ensure that existing roadway conditions are maintained by the project to address potential road damages due to construction truck traffic.		This comment is noted. Please refer to common response INT4 regarding adequacy of applicant-prepared technical studies. Also see response to comment above.
D.10 Public Health and Safety					
145.0			No Further Comments		
D.11 Air Quality					
146.0			No Further Comments		
D.12 Water Resources					
147.0	D.12.1, Page D.12-1	2nd Paragraph	Revise from "Tule Wind Project Preliminary Drainage Report Tule Wind Project Stormwater Management Plan (HDR 2010a)" to "Tule Wind Project Stormwater Management Plan (HDR 2010a)"		Correction noted and made in the EIR/EIS.
148.0	D.12.1, Page D.12-2	2nd Paragraph	Revise from "Tule Wind Project: Preliminary Drainage Report (HDR 2010b)" to "Tule Wind Project CEQA Drainage Study (HDR 2010b)"		The referenced document, the Tule Wind Project Preliminary Drainage Report that is dated September 2010, does not include CEQA in its title. No change is necessary.
149.0	D.12.1, Page D.12-3	1st Paragraph	Add a discussion as to how the project is complying with Hydromodification requirements for the portions of the project within County jurisdiction, per references "County of San Diego 2010b" and "County of San Diego 2010c"		The HDR 2010 Tule Wind Project Storm Water Management Plan states on page 11 states that "After discussions with the County of San Diego it was determined that the Project would not be subject to the County hydromodification requirements given the location of the Project [and] County of San Diego jurisdiction lands outside of Phase I and Phase II NPDES permits. Alterations to the natural watershed and stream processes (hydromodification) from the Project development are the main concern in the General Construction Permit. ... Given the current planning stage of the Project and the preliminary Post-Construction Water Balance Calculator, specific sizing and application of the General Construction Permit post construction BMPs is limited to recommendations in this report. All future design work will consider the General Construction Permit sizing requirements for included features intended to address hydromodification." In summary, hydromodification concerns will be addressed through requirements under the General Construction Permit.
150.0	D.12.1, Page D.12-4	3rd Paragraph	Insert the following heading in bold letters prior to discussion regarding the Watershed Protection Ordinance: "San Diego County Code of Regulatory Ordinances, Sections 67-801-67-815, Watershed Protection, Stormwater Management, and Discharge Control Ordinance"		Suggested change accepted.
151.0	D.12.1, Page D.12-5	3rd Paragraph	Watershed Protection Ordinance; Revise date from "January 13, 2010" to "January 8, 2011"		Suggested change accepted.
152.0	D.12.1, Page D.12-6	Impact Analysis	ECO and TULE have not prepared Stormwater Management Plans to substantiate the claims made in IMPACTS HYD- 5-6. The applicant needs to prepare the SWMP and discuss the conclusions in the EIR/EIS. MMHYD-5: A SWMP cannot be a mitigation Measure.	MAJOR ISSUE: MITIGATION DEFERRAL	As stated in Mitigation Measure HYD-4, "the applicant shall commission a SWMP in compliance with the County of San Diego Major Storm Water Management Plan. The SWMP will be project specific and ... shall include site design best management practices... The San Diego County Department of Public Works shall ensure that the SWMP is implemented as proposed." Tule has prepared a Draft Storm Water Management Plan that will be reviewed and approved by the County. As stated, in the mitigation measure, ECO Substation Project will also prepare a SWMP that will be reviewed and approved by the County and that will include the necessary BMPs to reduce impacts to a level that is considered less-than-significant. Refer to common response INT3.
153.0	D.12.1, Page D.12-7	Impact Analysis	MMHYD-1 is not a Mitigation Measure. It is required already by Law. The impacts could be changed to Class III because of the state requirement to have a SWPPP.		By incorporating the SWPPP into the project as a mitigation measure the EIR/EIS is acknowledging that the project could have potentially significant impacts without development and implementation of a project specific SWPPP as required by law. Furthermore, by creating a Mitigation Measure that requires the SWPPP, such requirements are incorporated into the Project's Mitigation Monitoring and Reporting Plan, which will serve as an additional mechanism to ensure that the SWPPP is developed and adhered to, and that ultimately impacts will be less than significant.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
154.0	D.12.1, Page D.12-8	Water Resources Impact Analysis	Mitigation Measure MM HYD-1, "to prepare a SWPPP" is not mitigation but rather compliance with regulations. Specific mitigation measures for construction activities that could degrade water quality due to erosion and sedimentation should be identified in the SWPPPs and in the Storm Water Management Plan(s). Revise mitigation measure to list specifics from the SWPPPs and SWMPs.		Refer to response to comment 154.0 above.
155.0	D.12.1, Page D.12-9	Water Resources Impact Analysis	Mitigation Measure MM HYD-6, "to prepare a Storm Water Management Plan" is not mitigation but rather compliance with regulations. Specific mitigation measures for creation of new impervious areas that could cause increased runoff resulting in flooding or increased erosion downstream should be identified in the Drainage Study(ies) and not in the Storm Water Management Plan(s). Revise mitigation measure to list specifics from the Drainage Study(ies).		Refer to response to comment 154.0 above. Similarly, incorporation of the SWMP into the EIR/EIS as a mitigation measure will ensure that the SWMP is included in the project specific MMRP, that its requirements are implemented, and that impacts will be less than significant.
156.0	D.12.1, Page D.12-10	References	County of San Diego 2010b; Revise date from "January 13, 2010" to "January 8, 2011."		Edit incorporated.
157.0	D.12.1, Page D.12-11	References	County of San Diego 2010c; Revise date from "March 25, 2010" to "January 8, 2011."		Edit incorporated.
158.0	D.12.1, Page D.12-12	References	HDR 2010a; Revise date from "September 2010" to "November 2010."		Edit not incorporated. Minor edits to the revised Stormwater Management Plan do not impact the ultimate significance determinations of the EIR/EIS. Additionally, the Storm Water Management Plan will likely undergo additional minor revisions as it is reviewed and approved by the County. To maintain the administrative record of the EIR/EIS the change is not incorporated.
159.0	D.12.1, Page D.12-13	References	HDR 2010b; Revise from "Preliminary Drainage Report" to "CEQA Drainage Study" and revise date from "September 2010" to "November 2010."		Edit not incorporated. Minor edits to the revised Preliminary Drainage Report do not impact the ultimate significance determinations of the EIR/EIS. Additionally, the Preliminary Drainage Report will likely undergo additional minor revisions as it is reviewed and approved by the County. To maintain the administrative record of the EIR/EIS the change is not incorporated.
Tule Wind Project CEQA Drainage Study (HDR 2010b)					
160.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	The Land Development Division of the Department of Public Works has reviewed the CEQA Drainage Study for the Tule Wind Project (MUP 09-019) dated November, 2010 and prepared by HDR Engineering; however, the report was not posted online. The report requires revisions as detailed in the following comments below. The CEQA Drainage Study for the Tule Wind Project (MUP 09-019) needs to be revised and incorporated into the DEIR.		Please refer to common response INT4 regarding adequacy of applicant prepared studies.
161.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Table of Contents: Revise the page numbers to match contents in report. -2.0 Drainage Patterns, revise to Page 5 -3.0 Hydrology, revise to Page 10 -4.0 Crossing Hydraulics, revise to Page 14 -5.0 Conclusion, revise to Page 18 -Tables: Revise page numbers to start Table 1 with Page 10 and Table 7 with Page 17 -Figures: Revise Figure 2 to Page 6		Please refer to common response INT4.
162.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 2, Project Description, 5th and 6th paragraphs: Revise the number of wind turbines to 12. Turbine R-7 was eliminated as previously discussed in meeting held on December 15, 2010.		Please refer to common response INT4.
163.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page "2-3", Drainage Patterns: Delete this page since the text here already appears in both pages 2 and 3.		Please refer to common response INT4.
164.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 4, Drainage Patterns, 2nd paragraph: • Revise the number of turbines from "six" to "three". Turbine R-7 was eliminated as previously discussed in December 15, 2010 meeting. • Adjust the square footage and percentage of impervious area if necessary.		Please refer to common response INT4.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
165.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 4, Drainage Patterns, 6th paragraph: <ul style="list-style-type: none"> Revise from "impervious areas include the area of basin turbine pads" to "impervious areas include the area of six turbine pads" Adjust the square footage and percentage of impervious area if necessary. 		Please refer to common response INT4.
166.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 5, Drainage Patterns, 2nd paragraph: <ul style="list-style-type: none"> Revise the number of turbines from "two" to "three" Adjust the square footage and percentage of impervious area if necessary. 		Please refer to common response INT4.
167.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 11, Table 5, Rational Method System Summary: Add another column to the left to denote "System 1" thru "System 15". It appears System/Crossings 3.3 and 3.4 are both "System 3" in Appendix F.		Please refer to common response INT4.
168.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Appendix G, Standard Crossing Plate, Figure G-1: Denote if this template is being used for all crossings that appear in Tables 6 and 7 (pages 12 and 13). Add another template if necessary.		Please refer to common response INT4.
169.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Exhibits: Add an exhibit that shows all crossings (Tule, McCain 1 & 2, systems 1 thru 15).		Please refer to common response INT4.
170.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Exhibits and Appendices: The Gen-Tie is part of the project description and is also shown on the Preliminary Civil Construction Plans. Include Basins for Gen-Tie on Exhibits and Appendices as shown on Plot Plan and Preliminary Civil Construction Plans.		Please refer to common response INT4.
D.12 Groundwater EIR Comments					
171.0	D.12, Water	3.3, PageD12-27, Paragraph 3	ECO Substation Project: The water demand has not been adequately documented for the ECO Substation Project. The text indicates approximately 30 million gallons is needed during construction. This number needs to be substantiated. Please include detailed backup assumptions behind every phase's groundwater demand. This includes road construction, concrete mixing, dust control, post-project water demand, etc.. Provide a table which provides a project schedule for each of the phases and the water demand associated with each phase. It is important that the schedule be detailed to note overlapping phases to indicate peak groundwater demand periods for the project.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	The Proponent's Environmental Assessment for the East County Substation Project, Application 09-08, SDG&E , August 2009 states that construction of the Proposed PROJECT is anticipated to use approximately 30 million gallons of water.
172.0	D.12, Water	3.3, PageD12-27, Paragraph 3	The ECO Substation reportedly requires 92 acre-feet of groundwater. A list of potential water sources are given (purchasing from a water purveyor and/or drilling wells in the vicinity of ECO substation). Until a specific source of water is identified (and secured) for the project and impacts to groundwater resources from those sources are thoroughly analyzed, the project does not have a viable source of water. This failure to adequately address water supply issues, on its own, constitutes a CEQA procedural violation. (<i>Vineyard Area Citizens, supra</i> , 40 Cal 4th at 435). Moreover, it renders the proposed "no significant impact" finding unsupported by substantial evidence.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	Refer to common response WR1

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
173.0	D.12, Water	3.3, PageD12-27, Paragraph 3	East County Substation: Evidence must be provided in the DEIR from the Sweetwater Authority to ensure that adequate water is available for construction. This failure to adequately address water supply issues, on its own, constitutes a CEQA procedural violation. (Vineyard Area Citizens, supra, 40 Cal 4th at 435). Moreover, it renders the proposed "no significant impact" finding unsupported by substantial evidence.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	Refer to common response WR1. The project intends to apply for permits with San Diego County to drill wells on the site and use one or more wells to supply the project with water during construction, as well as operations. The permitting process will include a groundwater investigation and well testing to indicate the level of water available to the project through such wells. Without this information the project cannot definitely state how much water would need to be supplied by an off-site water supplier, such as the Sweetwater Authority. The applicant will provide demonstration of compliance with all applicable laws and regulations and will obtain a County of San Diego Major Use Permit for each well to be used. The proposed project will implement all feasible mitigation measures and has described the actions that will be taken to either reduce or avoid potentially significant impacts wherever feasible. Such mitigation is based upon environmental review that is feasible and practical based upon project specifics known at this time. The applicable agencies have committed themselves to incorporate all reasonable mitigation and mitigation would only be deferred to a later date if it is impractical to create specific mitigation this early in the planning process. See Sacramento Old City Association v City Council (1991) 229 CA3d 1011; Defend the Bay v City of Irvine (2004) 119 CA4th 1261, 1275 (an agency may defer defining the specifics of mitigation measures if it commits itself to mitigation and lists the alternatives to be considered, analyzed, and potentially incorporated in the mitigation plan).
174.0	D.12, Water	3.3, PageD12-28	MMHYD-3: Preparation of a groundwater study cannot be considered mitigation. The preparation of a groundwater study is required for full disclosure of the potential impacts in the EIR.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	Refer to common response WR1.
175.0	D.12, Water	3.3, PageD12-28	MMHYD-3: Documentation of purchased water sources are required to be identified now and disclosed within the DEIR. The 25 million gallons of water from the Sweetwater Authority should be secured now and disclosed within the EIR. All sources of water need to be identified and secured now for full disclosure of the potential impact in the EIR.	MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND	Refer to common response WR1 and response to comment number 173 above.
176.0	D.12, Water	3.3, PageD12-28-29	MMHYD-3: Monthly water use of up to 750 gallons of water for the limited landscaping required at the ECO Substation would result in a total water demand of 9,000 gallons per year (0.03 acre-feet per year). This would require a well that pumped at a rate of a fraction of a gallon per minute, which is a negligible amount of groundwater. There is no possibility of a significant direct or cumulative impact to groundwater resources from pumping at this rate. Please include the amount of water being used as negligible as the main reason why impacts to groundwater resources would be less than significant for this water use. Please provide backup documentation to substantiate the 750 gallons per month of landscape irrigation required.		Since changing the text would not alter the significance determination, no change is necessary.
177.0	D.12, Water	3.3, PageD12-29, Paragraph 3	The Tule Wind project reportedly requires up to 54 acre-feet of groundwater as indicated in the EIR. However, the Groundwater Investigation Report, Tule Wind Farm dated December 2010 prepared by Geo-Logic Associates and submitted to the County on December 7, 2010 indicated that up to 125 acre-feet of groundwater would be needed. This number needs to be clarified and substantiated. Please include detailed backup assumptions behind every phase's groundwater demand. This includes road construction, concrete mixing, dust control, post-project water demand, etc. An example from a separate project will be provided to show the level of detail necessary to substantiate the water demand calculations. Additionally, please provide a table which provides a project schedule for each of the phases and the water demand associated with each phase. It is important that the schedule be detailed to note overlapping phases to indicate peak groundwater demand periods for the project.	MAJOR ISSUE: CALCULATION OF WATER DEMAND	Refer to common response WR1.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
178.0	D.12, Water	3.3, PageD12-29, Paragraph 3	MMHYD-3, Tule Wind Project: Two wells are identified, one on the Rough Acres Ranch and one on the Ewiiapaayp Reservation as being proposed for use by the project. Please include the well test results from each of these wells from the Groundwater Investigation prepared by Geo-Logic Associates. The Groundwater Investigation will require revisions to revise its evaluation of potential groundwater impacts. Comments should not be transferred into the EIR until the investigation has been revised. Preliminary estimates of production indicate the well at Rough Acres Ranch could produce at a rate of approximately 50 gpm, and the well at Ewiiapaayp Reservation at a lesser rate. These two wells will not be able to meet the production rate of identified as 124 gpm nor the total amount of groundwater needed (up to 125 acre-feet). Therefore, additional sources of water are necessary to meet the demands of the project.	MAJOR ISSUE: GROUNDWATER DEMAND ANALYSIS	Refer to common response WR1.
179.0	D.12, Water	3.3, PageD12-29, Paragraph 3	Tule Wind Project: While Jacumba Community Services District has indicated they can serve ESJ Gen-Tie, there have been no groundwater studies performed to indicate water from their district would be available for Tule Wind or ECO Substation. Additionally, there have been no studies of potential impacts to groundwater from the Live Oak Springs Water Company. As has been previously commented, all water sources for this project need to be identified now and fully disclosed within the EIR. That would include the necessary groundwater investigations to evaluate potential groundwater impacts from these additional sources.	MAJOR ISSUE: WATER DEMAND	Refer to common response WR1. The December 2010 Geo-Logic Associates Groundwater Investigation Report, Tule Wind Farm, East San Diego County, California indicates that the project intends to supply construction water needs with water from one well on Rough Acres Ranch, and a combination of wells in Thing Valley on the Ewiiapaayp Reservation. The Groundwater Investigation indicates that the combination of these wells can supply the project with the maximum amount of water needed or 124 gpm. Water from the Jacumba Community Services District and the Live Oak Springs Water Company would serve as a back-up water supply. The Groundwater Investigation has not been reviewed and approved by the project's responsible agencies. Therefore, impacts to groundwater may be significant and Mitigation Measure HYD-3 still applies to the project.
180.0	D.12, Water	3.3, PageD12-29, Paragraph 3	The text indicates that there would be "three" wells used for Tule Wind Project. There are only two wells identified in the text. Please revise to describe the third well.		Correction noted and EIR/EIS edited to reflect information in the December 2010 Geo-Logic Associates Groundwater Investigation Report, Tule Wind Farm, East San Diego County, California.
Groundwater Investigation Report Tule Wind					
181.0	D.12, Water	Groundwater Investigation	The County Groundwater Geologist has reviewed the Groundwater Investigation Report, Tule Wind Farm dated December 2010 prepared by Geo-Logic Associates and submitted to the County on December 7, 2010. This report is provided as official comment and is attached herein to these comments as an appendices. The report requires revisions as detailed in the following comments below. The Groundwater investigation needs to be revised and incorporated into the DEIR.		Refer to common response INT4, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
182.0	D.12, Water	Groundwater Investigation	Major Project Issue, Additional Water Sources Needed: The groundwater investigation has not identified adequate groundwater to meet the 125 acre-feet of groundwater estimated to be needed for this project. Assuming a production rate of 50 gpm in well 6A, this well could produce approximately 60 acre-feet in nine months if pumped 24 hours a day. The Thing Valley well that was tested based on late test drawdown data, indicates the well will not sustain the 80 gpm rate at which it was tested. While no estimates were given within the report, it does appear that the Thing Valley well could conservatively produce about 20 gpm on a continuous basis for the nine-month period (24 acre-feet). With up to 125 acre-feet of groundwater required for the project, adequate groundwater resources have not been secured for the project with inclusion of these two wells. Additionally, there are complications regarding whether there will be adequate storage capacity for pumping during the evenings and weekends that require further evaluation. Additional wells or other off-site water supplies are still required to be evaluated. The groundwater investigation would be required to be revised to include additional aquifer testing, possible cumulative impacts analysis, and well interference analysis. Pursuant to CEQA, all water sources to meet the groundwater demand of the project must be identified, evaluated, and mitigation measures as necessary be provided now.	MAJOR ISSUE: WATER DEMAND	Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
183.0	D.12, Water	Groundwater Investigation	Well Test Results, Rough Acres Ranch: The executive summary indicates that pumping at 50 gpm showed no evidence of well interference or significant depletion of groundwater in storage within the pumping well and analysis suggests that pumping could be doubled without any significant impact. Based on well testing data collected, the well is not capable of producing 100 gpm. Based on the step-drawdown data shown on Figure 2 of Appendix B, the well when pumped at 60 gpm showed a much greater rate of drawdown. As discussed on page 2 of Appendix B, a rate of 50 gpm was selected because it would allow for ample drawdown without the well running dry during the test. In evaluating the step test data, pumping at 100 gpm would likely result in a dry well after 72-hours of pumping. Please delete all statements throughout the report regarding doubling the pumping rate of the well with no significant effects as the data indicates the well's production capability could not sustain a rate of 100 gpm. The report should only discuss impacts at the rate selected for the constant rate test (50 gpm).		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
184.0	D.12, Water	Groundwater Investigation	Well Interference Results, Rough Acres Ranch Well 6a: The well interference results are incomplete and inadequate for County use. Calculations are required to evaluate how much drawdown is anticipated to occur at the nearest offsite well after taking into account the project's pumping rate (50 gpm) for the nine-month construction period. Please include distance-drawdown calculations using the Cooper-Jacob approximation of the equation at distances of 36ft, 100ft, 250ft, 500ft, 1000ft, and the distance to the nearest offsite production well (approximately 2,640ft+?). Please use a pumping rate of 50 gpm for a nine month period, a transmissivity of 563 feet squared per day (as calculated in the study from the semi-log plot), and a storability of 0.001. This table would be used to make conclusions regarding offsite well interference and whether a significant impact is anticipated to occur. Based on in-house calculations of drawdown, pumping at this rate would result in drawdown of approximately 5.3 ft at 1/2-mile (less than 20 feet and therefore a less than significant impact). Please remove the 5-year projection of drawdown from the report as this analysis is inappropriate for non-residential well tests. Please also include limitations associated with analyses and interpretations of the test data.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
185.0	D.12, Water	Groundwater Investigation	Well Test Results, Thing Valley Well: Please include an estimated sustainable pumping rate for the Thing Valley production well that was tested based on the aquifer testing data collected. Since the well test ceased when drawdown increased, this may be difficult to make absolute assumptions based on quantitative analysis. Therefore, based on professional judgment, please at least include a qualitative analysis to provide an estimated yield.		Refer to common response INT4, WR1, Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011, and Geo-Logic Associates Memorandum: Qualitative Estimate of Sustainable Yield, Thing Valley, San Diego County, California. May 9, 2011.
186.0	D.12, Water	Groundwater Investigation	Project Description, Water Demand: The water demand has not been adequately documented for this project. In the introduction, the text states that total project groundwater demand will be 65 to 125 af with various calculations for various phases of work. Section 2.4 Water Demand indicates 60 af will be required in 9 months of construction. Please include detailed backup assumptions behind every phase's groundwater demand. This includes road construction, concrete mixing, dust control, post-project water demand, etc. An example from a separate project will be provided to show the level of detail necessary to substantiate the water demand calculations. Additionally, please provide a table which provides a project schedule for each of the phases and the water demand associated with each phase. It is important that the schedule be detailed to note overlapping phases to indicate peak groundwater demand periods for the project.	MAJOR ISSUES: WATER DEMAND	Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
187.0	D.12, Water	Groundwater Investigation	Based on refined water demand estimates, the groundwater investigation needs to evaluate whether the project can meet the overall water demand including peak groundwater demands that will occur when various phases of work overlap.	MAJOR ISSUES: WATER DEMAND	Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
188.0	D.12, Water	Groundwater Investigation	Storage Capacity - On page 3 of the report, it states that pumping rates stipulated are based on the assumption that adequate storage space will be available to pump 24 hours a day, 7 days a week. At a pumping rate of 50 gpm, this would generate 186,000 gallons between 5 p.m. on Friday night to 7 a.m. on Monday morning. Please explain how the project will contain this amount of water over the weekends.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
189.0	D.12, Water	Groundwater Investigation	Section 3.2 Methodology: Six offsite residences are identified but were not mapped nor distances determined between the offsite wells and the pumping well 6A. In order to set a threshold on the amount of pumping allowed within well 6a, the offsite wells need to be mapped, and the distances to each of the offsite wells documented within the report.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
190.0	D.12, Water	Groundwater Investigation	Cumulative Impacts - Please evaluate potential cumulative impacts to groundwater resources based on a sustained production rate of 50 gpm for nine months from well 6a. Please eliminate doubling the pumping rate as an option as this well is not capable of producing water at rates greater than 50 gpm.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
191.0	D.12, Water	Groundwater Investigation	Section 3.5 Significance of Impacts Prior to Mitigation: This section is completely inadequate regarding making final summaries regarding well interference and cumulative impacts. Please see the County Report Formats, Section 3.1.3 and 3.3.3 of details that should be included in this section. Please include a separate heading and summary for cumulative impacts and well interference impacts. Please include the maximum drawdown anticipated to occur at the nearest offsite well after nine months of pumping Well 6a. Please also include a conclusion in regard to Well 6a and the Thing Valley well's long-term production capability and whether these wells will be capable of meeting the project's water demand. If additional wells are needed, please include a summary of the well interference, well production capability, and cumulative impacts from additional wells in this section.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
192.0	D.12, Water	Groundwater Investigation	Section 3.6 Mitigation Measures and Design Considerations: This section must be revised to indicate that while impacts based on calculated estimated drawdown in offsite wells appears to be less than significant for Well 6a, a Groundwater Mitigation and Monitoring Plan (GMMP) will be developed to ensure groundwater impacts from project pumping are less than significant. A threshold for maximum groundwater production for the project will be included in the GMMP. Additionally, for nearby well users, a threshold for water level decline in well 6 (located 36 feet from Well 6a) will be required to ensure that significant declines in groundwater levels do not extend to existing offsite well users. Should water level thresholds be met, the GMMP will include mitigation measures that include a reduction or cessation in on-site pumping until water levels in the monitoring well rise above the threshold.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
193.0	D.12, Water	Groundwater Investigation	Section 3.7 Conclusions: Please completely revise the conclusions for well interference. No observed drawdown in wells 1/3 and 1/2-mile from the production Well 6a does not provide conclusive evidence of what will occur after pumping for nine months at 50 gpm. Please revise based on calculations of drawdown estimated to occur in offsite wells. Please also revise the cumulative impacts conclusions. There is the potential for depletion in storage within McCain Valley. Please state that groundwater in storage will be reduced to 92% during the 7-year drought period analyzed, far above the 50% depletion level.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
194.0	D.12, Water	Groundwater Investigation	Groundwater Monitoring and Mitigation Plan (GMMP): A GMMP will be developed by the County Groundwater Geologist that will include the monitoring requirements, thresholds, and reporting requirements upon receiving the revised groundwater investigation. A threshold of maximum groundwater production will be set for well 6a of no more than 60 acre-feet of production for construction purposes. Additionally, a drawdown threshold will be determined in monitoring well 6 to ensure impacts to offsite well users will be below the threshold of 20 feet.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
195.0	D.12, Water	Groundwater Investigation	Minor Edits: On pages 11 and 12 (and possibly other locations in text), when discussing a well's production capability, please replace the term "specific yield" to "estimated yield." When discussing the unlined pond on page 12, please remove the statement "and as a result, water infiltrates rapidly into the ground. Please eliminate all discussion and graphics associated with a 5-year projection of drawdown from the report. On page 16, last paragraph of Section 3.3, please eliminate the last paragraph and replace with distance-drawdown calculations to draw conclusions regarding well interference.		Refer to common response INT4, WR1, and Geo-Logic Associates Memorandum: Response to Comments Submitted by County of San Diego Water Supply Issues, Tule Wind Project, East San Diego County, California. May 27, 2011.
D.13 Geology Minerals					
196.0			No Further Comments		
D.14 Public Services and Utilities					
197.0	D.14 Services	Page D.14-16	CEQA Significance thresholds: The following County Threshold was not included, " Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed." While the EIR/EIS includes Impact PSU-3, this approach is not adequate under CEQA because a threshold or guideline has not been established for this impact. Please also see comments under groundwater/water supply above.	MAJOR ISSUE: WATER SUPPLY	The PSU-3 significance threshold used in the EIR/EIS was used in the environmental documentation for the Sunrise Powerlink Project EIR/EIS and is a slight variation of the identified County threshold (the PSU-3 threshold in the EIR/EIS simply removes "would the project" and formulates the threshold as a statement rather than a question as established in the County's significance thresholds). Refer to common response INT3, regarding deferral of mitigation.
198.0	D.14 Services	Impact PSU-2	The EIR/EIS concludes that impacts to law enforcement are not significant; however, this conclusion is not supported by substantial evidence. The EIR/EIS states that the Proposed PROJECT would not increase the population in the area; thereby, no increase to law enforcement services are anticipated. However, the EIR/EIS should discuss potential impacts to police services/border patrol services that may be necessary to protect the proposed facilities from potential vandalism and other malfeasance.		As stated in Section D.14.3.3, neither construction nor operation of the Proposed PROJECT, including the proposed Campo, Manzanita, and Jordan wind energy projects is anticipated to result in a substantial permanent increase to the local population and the Proposed PROJECT would not substantially increase long-term demands for public services and facilities such that the construction of new or physically altered facilities would be required. Regular patrols of the project area to protect proposed facilities from potential vandalism are not anticipated to be required. The ECO Substation (two separately fenced yards) would be surrounded by a 10-foot-tall chain-link fence topped with barbed wire and the Tule Wind O&M/substation facility would be surrounded by 7-foot-tall fencing topped with three strands of barbed wire (see Section B, Project Description for security measures proposed at project component sites). Revisions have not been made in the Final EIR/EIS because the position that the Proposed PROJECT would require law enforcement patrols to protect proposed facilities is speculative and would not change the PSU-3 impact determination of less than significant (Class III).
199.0	D.14 Services	Impact PSU-2	Impacts to Fire Services and impacts due to increasing the hazards of wildfire are two separate issues under CEQA. Chapter D.14, Public Services and Utilities is inadequate in addressing potential impacts to the provision of fire service for the region with the addition of the Proposed PROJECT. The EIS/EIR concludes that impacts to fire services are not significant. CEQA Guidelines, Appendix G, Section XIII includes the following threshold for impacts to public services, including fire protection: "Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?" Therefore, the question is whether the local fire district would need to construct new facilities or alter existing facilities to maintain acceptable service ratios, response times or other performance objectives if the Proposed PROJECT were developed. It is unclear whether the conclusion in the DEIR was based on an analysis of this threshold. What additional services and needs would be required for adequate fire protection? Would the fire protection services have adequate equipment or would additional fire fighting supplies be necessary? Does the response time account for ALL the facilities associated with the Proposed PROJECT?	MAJOR ISSUE: FIRE SERVICES	Chapter D.14 Public Services addressing impacts to fire protection services in the context of whether implementation of the Proposed Project would require new or physically altered governmental facilities in order to achieve fire department response time goals established in the County of San Diego General Plan Public Facility Element. This analysis is presented in Section D.14.3.3, Impact PSU-2, and the EIR/EIS concludes that no new facilities would be required in order to respond to fires at project facilities within the established General Plan response time goals. Additional supplies and equipment required to combat fires at project facilities are discussed in Section D.15, Fire and Fuels Management. This section also discusses equipment, services, and funding that project applicants would be required to provide as mitigation for anticipated impacts. The question of whether fire services would require new equipment and supplies is not addressed in Section D.14 as the applicable CEQA threshold does not specifically require analysis of new supplies and equipment (the threshold asks whether new or physically altered facilities would be required). Refer to Section D.15, Fire and Fuels Management of the EIR/EIS.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
200.0	D.14 Services	Impact PSU-3	The EIR/EIS does not adequately substantiate impacts to water supplies would be impacted to less than significant levels (Impact PSU-3). The mitigation measures defer the analysis of adequate water supply because the measure relies upon future studies and approval. By deferring the identification of adequate water supply, the EIR/EIS does not adequately analysis potential impacts of supplying water to the project site. For example, if groundwater is determined to be inadequate, then the EIR/EIS states water would be trucked in. The environmental impacts to traffic/transportation and air quality associated with those truck trips must be analyzed within the EIR/EIS.	MAJOR ISSUE: WATER SUPPLY	Refer to common response WR1, regarding documentation of water demand and resource for construction.
201.0	D.14 Services	Impact PSU-3	The analysis of total water supply required for the Proposed PROJECT is inadequate. The EIR/EIS should state clearly the water supply required to serve the entirety of the Proposed PROJECT which would include the construction and operation of ALL components. Then the EIR/EIS would state whether anticipated supplies are sufficient to serve all aspects.	MAJOR ISSUE: WATER SUPPLY	Refer to common response WR1, regarding documentation of water demand and resource for construction.
202.0	D.14 Services	Impact PSU-5	The analysis of waste disposal requires compliance with the County's Construction and Demolition Materials Ordinance which requires recycling.		Although the ECO Substation, Tule Wind, and ESJ Gen-Tie Projects would not require building permits from the County of San Diego, the PSU-5 analysis in the EIR/EIS has been revised to indicate that the projects would be required to comply with the County's Construction and Demolition Materials Ordinance.
D.15 Fire Fuels Management					
203.0	D.15 Fire Fuels Management	Impact FF-2: For ESJ and Tule Projects	Impacts FF-2: The DEIR/EIS does not provide adequate mitigation that reduces the projects' impacts to wildland fires below a level of significance. The DEIR/EIS must include mitigation that addresses offsite mitigation and direct mitigation that effectively reduces the projects' impacts to the region. If more mitigation cannot be provided, then a rationale as to why additional mitigation is infeasible must be provided.	MAJOR ISSUE: Unsubstantiated Conclusion	Please refer to common response FIRE5 regarding significance levels for Impact FF-2.
203.1	D.15 Fire Fuels Management	Impact FF-3: For ESJ, ECO, and Tule Projects	Impact FF-3: The DEIR/EIS does not provide adequate mitigation that reduces the projects' impacts to fire fighting capability (FF-3) below a level of significance. The DEIR/EIS must include mitigation that deals directly with fire fighting operations and make an attempt at increasing effectiveness. An example may be developing a rapid response team like some utility companies have for fires near electrical facilities and lines. If additional mitigation cannot be provided, then a rationale as to why additional mitigation is infeasible must be provided.	MAJOR ISSUE: Unsubstantiated Conclusion	Please refer to common response FIRE5 regarding significance levels for Impact FF-3.
D.16 and D.17 Social Economics & Env. Justice					
204.0	D.16-D.18		The County does not have any comments on these sections.		
D.18 Climate Change					

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
205	D.18 Climate Change	NA General Comment	<p>Use of the Proposed Transmission Line for Non-Renewable Energy Projects: The applicant "Sempra Generation" indicated at the public hearings and in this EIR that the proposed transmission line would only be used for transmitting renewable energy. The County concurs with Sempra that the lines should only be used for such purpose because it is foreseeable that the ESJ transmission line could be utilized to transport energy from other nonrenewable resources, such as natural gas. The EIR/EIS concludes the project would have a quantifiable positive effect on the environment over the long-term since greenhouse gas (GHG) and criteria emissions from fuel combustion would be avoided because the project would only transmit clean renewable energy. The EIR/EIS should identify that the project is to only transmit renewable energy as a mitigation measure. This would ensure that the GHG emissions would be mitigated. Failure to implement this mitigation measure could result in increased impacts to the unincorporated County because the emissions from potential additional fossil fuel power plants in Mexico could increase greenhouse gas emissions, affect climate change, and adversely impact air quality and resources in the San Diego County. If not mitigated, the EIR/EIS should evaluate the resulting GHG emissions that could be created by a maximum of 1250 megawatts of fossil fuel based generation.</p>		Please refer to common response CC3.
F. Cumulative Impacts					
206.0	SECTION F, CUMULATIVE ANALYSIS		<p>The County agrees that the degree of specificity for cumulative impacts is less than what is required by CEQA for direct impacts. However, the EIR/EIS does not provide any scientific evidence to support the conclusion that cumulative significant impacts would not occur for certain sensitive resources. For example, regarding cumulative impact BIO-1, the document does not provide any further evidence to support this Class II impact. First, the analysis simply refers to "native vegetation" without defining "native." Certain native types of vegetation that exist within the study area are more sensitive than others; therefore, would result in an increase in severity in impacts. Furthermore, the conclusion for Class II impacts is based upon, "given the largely undeveloped nature of the area, the vegetation communities in this region are not likely to become limited in acreage or extent." Without defining specific types of sensitive native vegetation, the EIR/EIS could not conclude there is enough remaining. Another example s cumulative impact NOI-3, this impact also does not provide supporting evidence to uphold the conclusion that potential cumulative noise impacts would be less than significance. The EIR/EIS text states, "given the expected distances other cumulative projects . . .", without actually measuring and calculating those distances and then concluding the distances too great to cause a cumulative noise increase.</p>		<p>The cumulative impact analysis provided in Section F of the EIR/EIS presents the analysis of the potential for the Proposed PROJECT to create cumulatively considerable effects when impacts of projects listed in Table F-1 and shown on Figure F-1 are considered together with the impacts of the Proposed PROJECT. Mitigation measures identified are those that would reduce cumulative impacts where the Proposed PROJECT may contribute an incremental effect that may be considered significant. The analysis provided in Section F of the EIR/EIS attempts to quantify each potential cumulative impact as it relates to the Proposed PROJECT, provided sufficient information is available to make informed and sound judgments regarding such analysis. Where quantification is not feasible, the document evaluates the potential for cumulative effects on a qualitative and programmatic level of detail. At the time of EIR/EIS preparation, it was determined that there was incomplete or unavailable information for each project and related resource area effects necessary to analyze quantitatively the contribution to cumulative effects associated with all reasonable foreseeable, approved, and pending projects.</p> <p>In the Final EIR/EIS a cumulative estimate of the amount of acres disturbed, as provided in Tables F-2 and F-3, and shown in Figure F-1, in context with the geographic extent of the cumulative effects associated with the project and all reasonably foreseeable projects is used as an indicator of cumulative effects.</p>

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
206.0 con't					<p>With regard to comments made on cumulative Impact BIO-1, native vegetation communities, associated wildlife habitat and sensitivities are fully described in Section D.2, Biological Resources, subsection Section D.2.1.1, Regional Overview of the EIR/EIS. As described in section D.2 and Section F Cumulative Impacts, the Proposed PROJECT in combination with all reasonable foreseeable cumulative impacts would result in temporary and permanent loss of native vegetation communities, including sensitive natural communities that are considered to be significant but can be mitigated through avoidance and minimization, restoration and or compensation as described in mitigation measures BIO-1f through BIO-1g to less than significant and therefore would not be cumulatively considerable. The Final EIR/EIS has added Table F-4 to section F, which estimates the cumulative impact to vegetation from the Proposed PROJECT combined with reasonably foreseeable cumulative projects as an indicator of impacts to native vegetation communities, associated wildlife, and sensitive species. The Proposed PROJECT area and cumulative analysis area is comprised predominately of chaparral and semi-desert scrub communities considered to be abundant and are not considered sensitive. Oak woodland and grassland communities area also present in the analysis area but cover less of the area. These communities occur throughout the analysis area, which is largely undeveloped, therefore these communities are not limited in distribution.</p> <p>As stated in the County Biological Guidelines: "The far eastern parts of the County, from the mountain areas to the desert regions, have been left relatively intact thus far and may remain so given that large portions of these areas are publicly owned. However, some habitat types in these areas, such as coniferous forest, Colorado Desert wash scrub, desert dunes, and desert sink scrub, are still considered sensitive for reasons other than historical loss, such as limited distribution, the potential to host sensitive species, or the inability to recover from disturbance."</p> <p>The Proposed PROJECT does not affect the communities discusses as limited or sensitive in the largely undeveloped east county of San Diego. Recognized sensitive communities that are affected by the Proposed PROJECT in the analysis area, including mulefat scrub/southern willow scrub, southern riparian forest, and emergent wetland, are avoided to the maximum extent possible, as these are considered wetland communities. It is assumed that the reasonably foreseeable cumulative projects would also avoid these communities to the maximum extent possible.</p>
207.0	SECTION F, CUMULATIVE ANALYSIS	F.2 Biological Cumulative Study Area	<p>Please provide justification for the limits of the biological cumulative study area including how the south and west limits were chosen. Based on staff review, the limit to the south should be the US-Mexico border but including the extension the ESJ power line because there is no other information related to cumulative projects there. To the west, the cumulative impact area could be bound by the residential land uses associated with the communities of Boulevard, Live Oak Spring and the Campo Indian Reservation to the west. Within the revised cumulative study area, the habitat resources are likely to encompass those that are also present in the project area, so that if the impacts that are generated from various sources in this geographical area they would sum up to total the cumulative impacts on those resources. More specific biological resources, especially sensitive faunal resources, may require more specific cumulative study subareas based on their attributes, but due to their reliance on particular habitat types, they are likely to fall within the cumulative study area. The list of projects in the cumulative projects table should be updated if this cumulative impact area captures more than was previously analyzed using the 10 mile radius.</p>		<p>As described in section F.3.1 of the EIR/EIS, the geographic extent for the analysis of cumulative impacts associated with biological resources includes the vicinity of all reasonably foreseeable cumulative projects and extends throughout southeastern San Diego County and western Imperial County, as shown in Figure F-1 of the EIR/EIS. The specific geographic area was evaluated and determined to be sufficient based upon the magnitude of the Proposed PROJECT's potential to react with other potential projects. The biological resources study area basically evaluated any and all projects within a 10-mile radius of the Proposed PROJECT site boundaries. It was determined that this was a reasonable area given the specific project impacts and the surrounding area with little development within the area. The County of San Diego was also consulted as to additional projects in the area that may be applicable on a cumulative basis. Extending the geographic scope as proposed by the comment would add little to the cumulative impact evaluation beyond the projects evaluated in the EIR/EIS.</p>

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
208.0	SECTION F, CUMULATIVE ANALYSIS		<p>Each resource area's cumulative study area must be well defined in order to adequately access any potential cumulative impact. Section F.1 sets up the discussion of the cumulative study area <i>but this direction to define and explain each study area as it pertains to each resource is not carried through to each subsection</i>. For example, the biological cumulative impact analysis for temporary and permanent losses of native vegetation (Impact BIO-1) states project direct impacts would be mitigated and less than significant. The project direct analysis breaks up the native habitat into specific types considered sensitive by both the County of San Diego and the Wildlife Agencies. The cumulative analysis does not. The cumulative analysis divides the native habitat into two categories - the native habitat occurring in the eastern portions of cumulative study area and the native habitat that occurs in the western and central portions of cumulative study area. The analysis discounts any impacts in the eastern portion of the cumulative study area as "not likely the same vegetation community types as the Proposed PROJECT." However, the flaw in this analysis is that if the vegetation community types are not the same as the vegetation found in the Proposed PROJECT's study area, then why would this area be included in the cumulative analysis? What is the rationale specific to biological resources (native vegetation impacts) which would require this "eastern" area to be in the cumulative study area? This broad definition of the cumulative study area serves to create an overly expansive assessment area that would essentially dilute the Proposed PROJECT's potential impacts.</p>		Refer to response to comment 206 and 207 above and common response CUM1.
209.0	F.2 Applicable Cumulative Projects and Projections	Page F-4	Please update the references to all Plans and Environmental Documents relied upon for the cumulative analysis. Specifically, SANDAG has an updated RCP to reference.		Per SANDAG website visited on 4/4/11, the Regional Comprehensive Plan had not been updated, and the most recent Regional Comprehensive Plan remains the 2004 Plan. See: http://www.sandag.org/index.asp?projectId=1&fuseaction=projects.detail The other plans included in Table F-1 also have not been updated. No change to the EIR/EIS is required.
210.0	F.4		For the same reasons described under significant, direct impacts, all Class I impacts should also be further substantiated, mitigation explored and alternatives which reduce that impact be identified.		Please refer to common response INT2, regarding general adequacy of the Draft EIR/EIS. Refer to comment 206 and 207 above and common response CUM1.
211.0	F.3.2	Page F-29	It appears that there are two different conclusions for the same impact to special status wildlife species. Please clarify.		<p>Similar to the impact BIO-10 significance determination made in Section D.2, Biological Resources, for the Proposed PROJECT, the impact BIO-10 determination in Section F states the following:</p> <ul style="list-style-type: none"> -impacts to species status bird species due to risk of electrocution and collision with transmission lines and towers would be significant but mitigated (Class II) -impacts to golden eagles due to collision with operating turbines would be significant and unmitigable (Class I) -impacts to Vaux's swift and special status bat species due to collision with operating turbines would be significant but mitigated (Class II) -impacts to special status bird species due to collision with operating turbines would be less than significant (Class III).
212.0	F.3.6 Cumulative	Page F-87, second to last paragraph	Include the historic house (CA-SDI-7011H) in this discussion.		With the exception of the San Diego and Arizona Eastern Railroad and Old Highway 80 (both of which traverse a large portion of the project area), the cumulative cultural and paleontological resources impact analysis presented in Section F, Cumulative Scenario and Impacts, does not reference specific historic sites. Instead the analysis generally refers to sites identified during surveys conducted for the Proposed PROJECT and identified and discussed at length in Section D.7 Cultural and Paleontological Resources. CA-SDI-7708H, however, is located 200 feet south of the 138 kV transmission line alignment, such that it would not be impacted by the proposed project. The resource's location outside the Project APE has been noted in the Final EIR/EIS Section F.3.6. Please refer to Final EIR/EIS Section D.7, Cultural Resources, for impact analysis pertaining to specific resources present in the project area.

Comment Number	Section	Subsection	Comment or Issue	Comment Notes	Response
213.0	F.3.6 Cumulative	Page F-84	<p>The cumulative analysis section for cultural resources is wholly inadequate. Please refer to sample provided as an attachment for the minimum requirements needed to comply with CEQA and RPO. The section should also be reviewed for NEPA compliance. The industry standard for cumulative analysis of cultural resources is at a minimum reviewing the projects in the area, the number of sites within a one mile radius that may be impacted by these projects, the types of sites (prehistoric, historic, built environment), the number of sites that have been mitigated for impacts, the number of sites impacted by projects in the area which cannot be mitigated (requiring overriding considerations), and any landscapes or districts that will be impacted.</p>		<p>Please refer to common response CUL3, regarding adequacy of the cumulative cultural resources impact analysis and response 206.</p>

Response to Document No. B9

**Law Office of Cynthia L. Eldred,
on behalf of San Diego Rural Fire Protection District
(Cynthia L. Eldred, Esq.)
Dated March 4, 2011**

B9-1 This comment acknowledges that the law office represents the San Diego Rural Fire Protection District (SDRFPD) and that all comments provided reference Section D.15, Fire and Fuels Management, of the Draft EIR/EIS and supplement a comment letter dated January 4, 2011. Further, it indicates that the comments pertain to ESJ Gen-Tie and Tule Wind components and not to the ECO Substation. The comment is noted.

B9-2 The comment is noted. This comment reiterates the Draft EIR/EIS finding that the Proposed PROJECT significantly increases the likelihood of wildfire and provides Mitigation Measures FF-1, FF-2, FF-3, and FF-4 as mitigation.

The comment continues to describe SDRFPD's work with the applicants for ESJ Gen-Tie and Tule Wind toward focusing mitigation measures in the respective Fire Protection Plans (FPPs) and provides suggested clarifications to the EIR/EIS mitigation measures to better respond to the potential fire risk from the project component construction and operation.

The comment indicates that the applicants for ESJ Gen-Tie and Tule Wind have both entered into development agreements with SDRFPD, satisfying Mitigation Measure FF-3 and that these two projects have submitted and received approval of focused FPPs, satisfying Mitigation Measure FF-4.

Further, the comment concludes that implementation of the clarified mitigation measures, FPPs, and development agreements satisfy the SDRFPD's concerns and would result in a not adverse and less-than-significant (Class II) impact on their ability to respond to fires and that the potential increased fire risk has been mitigated. Based on this finding by the fire agency with jurisdiction over the project area, Section D.15.3.3 of the Final EIR/EIS has been revised to indicate that with application of mitigation measures, as clarified in the Final EIR/EIS, ESJ Gen-Tie and Tule Wind Fire and Fuels Management impacts are all Class II (mitigated below the level of significance). Please refer to common response FIRE5 regarding the ESJ and Tule impact classifications.

In response to this comment, Section D.15.3.3 and Table D.15-4 have been modified in the Final EIR/EIS in accordance with 40 CFR 1502.9(b). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B9-3

This comment indicates revisions to Table D.15-8 of the EIR/EIS to Mitigation Measure FF-1 (Construction Fire Prevention Plan). The first revision requests focusing preparation of the plan on “applicant” rather than focusing on Tule Wind, LLC. This change is not incorporated in the Final EIR/EIS as Table D.15-8 is meant to focus on which applicant is responsible for implementation of the measure. The reason it states “the applicant” in the EIR/EIS text in Section D.15.3.3, is that this is where the measure is first presented and it may apply to all three projects analyzed in this EIR/EIS.

This comment further clarifies the content of Mitigation Measure FF-1 to include duration of fire patrols, Red Flag Warning condition restrictions, and communications requirements. The clarification language is considered appropriate and is based on the revised FPPs and development agreements. In response to this comment, Table D.15-8 and text in Section D.15.3.3 has been modified in the Final EIR/EIS in accordance with 40 CFR 1502.9(b). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B9-4

Please refer to response B9-3 regarding revisions to “applicant.” The comment requests clarification to Mitigation Measure FF-2 (Wildland Fire Prevention and Fire Safety Electric Standard Practice Operation and Maintenance Plan) to specify Tule Wind, LLC’s responsibility to provide fire suppression apparatus prior to energizing Tule Wind Project, per the development agreement. The clarification language is considered appropriate as it is based on implementable agreement(s) and provides additional agreement detail not available at the time of the Draft EIR/EIS.

In response to this comment, Table D.15-8 and text in Section D.15.3.3 has been modified in the Final EIR/EIS in accordance with 40 CFR 1502.9(b). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term

is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B9-5 The comment provides clarification to Mitigation Measure FF-3 (Provide Assistance) to indicate that the assistance provided through the measure would (at a minimum) be utilized to fund for one SDCFA Fire Code Specialist II position to enforce existing fire code requirements, including but not limited to implementing required fuel management requirements (e.g., defensible space), in priority areas to be identified by the SDCFA for the life of the project. In addition, the assistance would provide funding to allow SDCFA to employ up to four volunteer/reserve firefighters as part-time code inspectors on a stipend basis for up to 90 days per year for the life of the project. In addition, the development agreements between SDRFPD, SDCFA, and the Tule Wind and ESJ Gen-Tie Project applicants would provide funding for the training and acquisition of necessary firefighting equipment and services to SDRFPD/SDCFA to improve the response and firefighting effectiveness near wind turbines, electrical transmission lines, and aerial infrastructure based on project fire protection needs. The clarification language removes language in the EIR/EIS indicating the type of apparatus/equipment the funding could provide. The clarification language is considered appropriate as it is based on implementable agreement(s) and provides additional agreement detail not available at the time of the Draft EIR/EIS.

In response to this comment, Table D.15-8 and text in Section D.15.3.3 has been modified in the Final EIR/EIS in accordance with 40 CFR 1502.9(b). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B9-6 The comment provides clarification language to Mitigation Measure FF-4 (Customized Fire Protection Plan) by indicating that the final FPPs would be approved by the commenting agencies prior to construction. This language was already provided in the Draft EIR/EIS (Table D15-8). Therefore, no revisions were made in the Final EIR/EIS.

B9-7 The comment provides clarification language to Mitigation Measure FF-5 (Wind Turbine Generator Fire Suppression System) in Section D.15.3.3 of the EIR/EIS by indicating that the modern technology (as opposed to the “latest” technology) would be utilized, and specifies maintenance according to the manufacturer’s

specifications. Clarification language pertaining to the technology used does not substantially affect the mitigation measure. Language pertaining to system maintenance is applicable and therefore the Final EIR/EIS will reflect the clarification to Mitigation Measure FF-5.

In response to this comment, Table D.15-8 and text in Section D.15.3.3 has been modified in the Final EIR/EIS in accordance with 40 CFR 1502.9(b). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B9-8 The comment provides clarification and suggested revisions to Mitigation Measure FF-6 (Funding for FireSafe Council). Clarifications focus on shifting the funding from the local FireSafe Council to the San Diego County Fire Authority (SDCFA) for staffing of a full-time inspector and four reserve/volunteer inspectors (stipend basis) available for the life of the project. This use of Proposed PROJECT funding would specifically result in defensible space improvements throughout the project area, and therefore has a direct effect on reducing the potential fire threat. Additionally, this funding and intended use have been executed as part of a development agreement between the ESJ Gen-Tie and Tule Wind applicants with SDCFA. Based on these facts, the Final EIR/EIS will reflect clarifications to Mitigation Measure FF-6. Please refer to common response FIRE6. In response to this comment, Section D.15.3.3 and Table D.15-8 have been modified in the Final EIR/EIS in accordance with 40 CFR 1502.9(b). These changes and additions to the EIR/EIS do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guideline, and under NEPA do not result in new significant circumstances or information relevant to environmental concerns, or require analysis of a new alternative (40 CFR 1502.9(c)(1)(ii)).

B9-9 This comment provides the language for Mitigation Measure FF-7 directly from EIR/EIS Table D.15-8. No clarifications are indicated.

B9-10 through B9-18

The comment provides a table with additional measures as detailed in the approved Tule Wind FPP (dated November 2010 and revised/finalized February 2011) that are requested to be part of the EIR/EIS fire mitigation package. These measures were developed by Tule Wind, LLC, and included in the FPP that was

submitted after the Draft EIR/EIS was published (December 2010). The additional measures include restrictions and requirements for work area hazard removal, helicopter use, roads, combustible storage, visual inspections, line clearance, de-energizing systems, site maps, and communication devices. These measures and clarifications will be included in the Final FPP that will be incorporated into the standard construction contracting agreements for the Tule Wind Project as required in Mitigation Measure FF-1 as described in Section D.15 of the Final EIR/EIS.

Response to Document No. B10

**Governor's Office of Planning and Research,
State Clearinghouse and Planning Unit
(Scott Morgan)
Dated March 7, 2011**

- B10-1** This letter, acknowledging compliance with the State Clearinghouse review requirements for draft environmental documents, is noted. The State Clearinghouse forwarded several letters from reviewing state agencies. Most of these letters were also sent by the agencies themselves and are included herein. These include letters from the California Department of Fish and Game (see comment letter B3), California Department of Parks and Recreation Colorado Desert District (see comment letter B5), California State Lands Commission (see comment letter B7), and the Native American Heritage Commission (see comment letter C1).
- B10-2** In addition to the letters received from agencies mentioned in response B10-1, a letter from the California Natural Resources Agency, Colorado River Board of California, was received, which was not sent separately. This letter does not raise specific issues related to the adequacy of the environmental analysis in the EIR/EIS; therefore, no additional response is provided or required.