

BOB FILNER
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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

April 13, 2010

2428 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL: (202) 225-8045
FAX: (202) 225-9073

333 F STREET, SUITE A
CHULA VISTA, CALIFORNIA 91910
TEL: (619) 422-5963
FAX: (619) 422-7200

1101 AIRPORT ROAD, SUITE D
IMPERIAL, CALIFORNIA 92251
TEL: (760) 355-8800
FAX: (760) 355-8802

website: www.house.gov/filner

The Honorable **Ken Salazar**
Secretary
United States Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Salazar:

I write to urge you and the Bureau of Land Management (BLM) to conduct a thorough and independent National Environmental Policy Act (NEPA) evaluation of the potential impacts of San Diego Gas & Electric's (SDG&E) proposed Powerlink 500 kV transmission line on BLM land along the California/Baja California border.

The California Public Utilities Commission (CPUC), jointly with the BLM, evaluated the impacts of this transmission line in a Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) which concluded in 2008. The FEIR/EIS focused primarily on a route that was rejected very late in the process by the CPUC because it would traverse California's largest state park, Anza Borrego State Park. The route ultimately approved by the CPUC, named the "Southern Route," was selected when the FEIR/EIS was essentially complete. The state's decision is now on appeal in the California courts and is not yet final.

The BLM must adhere to NEPA requirements to prepare a thorough analysis for any amendment to a BLM Resource Management Plan. The 2008 FEIR/EIS does not meet the Department of the Interior's legal obligations, lacks a precise pathway of the Southern Route and does not outline its impacts to the region. I am concerned that BLM may feel compelled to short-circuit its NEPA responsibilities and adopt the inadequate 2008 FEIR/EIS for reasons that are not in the public interest.

I am also concerned with regards to the biological opinion issued by the U.S. Fish & Wildlife Service (USFWS) on the Southern Route. The USFWS produced an expedited biological opinion on the impacts of the Southern Route within a few weeks of the CPUC ordering a change in the Powerlink transmission line route. This hastily prepared biological opinion failed to address the precise pathway of the Southern Route, and for this reason also failed to account for the threatened and endangered species that would be impacted along the precise pathway. As a result, the USFWS has yet to determine a mitigation acquisition plan to offset the loss of habitat along the Southern Route because it is still struggling to identify the affected, threatened, and endangered species as well as their critical, occupied, and historic habitat.

The proposed SDG&E Powerlink transmission line will expand markets for (SDG&E's parent company) Sempra Energy's existing natural gas-fired generators in Arizona and Baja California. This will cost California ratepayers, including my constituents, nearly \$2 billion. SDG&E has stated publicly that if the CPUC imposes a requirement that if the line carries renewable energy then

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SDG&E will not build the line. The numerous benefits to be obtained by Sempra, coupled with SDG&E's refusal to make a binding commitment to carry renewable power illustrates the inappropriate affiliate transactions and reinforces monopolistic behavior in the electric power sector.

Sempra has a history of exploiting its regional generation and transmission assets in California and Baja California for inappropriate financial gain. Sempra was ordered to pay the state of California \$70 million in 2006 for violating the terms of its recent 10-year power supply power contract with California.

Adding to the complexity of this case is Assistant Secretary of Interior, David Hayes' recent role as a lobbyist for Sempra/SDG&E. Mr. Hayes lobbied the Department of Energy (DOE) on behalf of Sempra/SDG&E in 2006 seeking National Interest Electric Transmission Corridor (NIETC) designation by DOE for the SDG&E Powerlink corridor. The DOE designated the Southern California region that the SDG&E Powerlink will traverse as an NIETC in 2007. Mr. Hayes should be precluded from any involvement, directly or indirectly, in every DOI decision or matter relating to Sempra; to its wholly-owned subsidiaries, SDG&E and Southern California Gas; and to the Powerlink transmission line. Given Mr. Hayes' history and direct involvement in lobbying for this transmission line, the DOI and the BLM should make every effort to ensure that the federal government conducts its decision making and analyses thoroughly, independently, and as free from any appearance of conflict of interest as possible.

I ask for your assurance and commitment that the BLM be free from any pressure to short-circuit or fast-track the NEPA process for the SDG&E Powerlink proposal, and that a thorough and complete NEPA analysis will be conducted by the BLM of the current SDG&E Powerlink route and its impacts on federal lands.

I also ask for your assurance that the USFWS will conduct a new, thorough, and complete biological opinion with regards to the threatened and endangered species that would be impacted along the Southern Route.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Filner", written over the printed name.

BOB FILNER
Member of Congress

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