

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



April 22, 2011

Mr. Alan F. Colton
Manager – Environmental Services
Sunrise Powerlink Transmission Project
8315 Century Park Court, CP21G
San Diego, CA 92123-1550

RE: SDG&E Sunrise Powerlink Transmission Line Project – Variance Request #11

Dear Mr. Colton,

On April 6, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to add an additional 200 feet by 150 feet of extra workspace east of Structure EP215 which is located in Link 1 (NTP #13, overhead on non-federal lands), of the Sunrise Powerlink Project, within San Diego County.

The CPUC voted on December 18, 2008 to approve the SDG&E Sunrise Powerlink Transmission Line Project ([Decision D.08-12-058](#)) and a [Notice of Determination](#) was submitted to the State Clearinghouse (SCH#2006091071). The BLM issued a [Record of Decision](#) approving the Project on January 20, 2009. The Project also crosses lands under jurisdiction of the U.S. Department of Agriculture; and Forest Service on the Cleveland National Forest; the Forest Service issued its Record of Decision and Supplemental Information Report on July 9, 2010. The area requested under this variance does not fall under Forest Service jurisdiction.

The CPUC also adopted a Mitigation, Monitoring, Compliance and Reporting Program (MMCRP) to ensure compliance with all mitigation measures imposed on the Sunrise Powerlink Project during implementation. The MMCRP also acknowledges that temporary changes to the project, such as the need for additional workspace, are anticipated and common practice for construction efforts of this scale and that a Variance Request would be required for these activities. This letter documents the CPUC's thorough evaluation of all activities covered in this variance, and that no new impacts or increase in impact severity would result from the requested variance activities.

Variance #11 to add an additional 200 feet by 150 feet of extra workspace east of Structure EP215 is granted by CPUC for the proposed activities based on the factors described below.

SDG&E Variance Request. Excerpts from the SDG&E Variance Request, received April 6, 2011, are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a variance from the Final Construction Drawings, submitted to the CPUC on September 2, 2010 and the Project Modification Report, approved **(by the CPUC)** on September 22, 2010, to add an additional 200 feet by 150 feet of extra workspace east of structure EP215. SDG&E would use this workspace to allow for guarding of a 12kV distribution line while stringing operations occur to prevent damage to the distribution line. Guard pole installation at the 12kV crossing east of EP215 will require equipment access to drill the holes and set the poles. Equipment will access the site via the existing project access road for EP215-219, and will travel through the disturbance area for 12kV Pole 4. A guard pole setup involves three vertical poles connected by two cross-arm poles, and a setup is required on either side of

the line to be crossed. The guard poles required for this activity will consist of 3 poles on either side of the 12kV line, for a total of 6 poles to be installed. The poles will need to be placed approximately 6-10 feet away from both the outside phases of the 12kV. For each pole, a hole will be dug that is approximately 7-8 feet in depth. Once the holes are dug, a crew will set the poles, backfill the holes, and hang the cross-arms. PAR will utilize a small Lo-Drill to dig the holes and a rubber-tired line truck with a boom to set the poles and hang the cross-arms.

The workspace area requested for this work is 200 feet by 150 feet. These dimensions allow for the area in which the poles must be located plus maneuverability for the equipment to access these pole locations for digging and setting.

A vegetation assessment and rare plant survey was conducted April 4, 2011 at the proposed Guard Structure work area. The site is currently vegetated with disturbed Semi-desert Chaparral. **(Already)** disturbed by brush clearing for livestock grazing, the semidesert chaparral here is composed primarily of flat-topped buckwheat (*Eriogonum fasciculatum* ssp. *polifolium*) and interior golden bush (*Ericameria linearifolia*), chamise (*Adenostoma fasciculatum*), desert scrub oak (*Quercus cornelius-mulleri*), Palmer's oak (*Quercus palmeri*) and ephedra (*Ephedra californica*). Annual plants including compact chess (*Bromus madritensis*) and goldfields (*Lasthenia californica*) comprise the majority of annual plant cover between shrubs. Three sensitive plant species are in the vicinity of the impact area including sticky geraea (*Geraea viscid*), Jacumba milk vetch (*Astragalus douglasii* ver. *Perstrictus*) and Nevin's batberry (*Mahonia nevenii*). SDG&E will restore the work area to its previous condition.

A cultural and Native American survey was performed on January 26, 2011. The area is within the APE surveyed by ASM Affiliates, Inc. during cultural resource investigations for the Sunrise Powerlink Final Environmentally Superior Southern Route (Garcie-Herbst, et al. 2010). During that time no cultural resources were identified. Since this variance will not affect NRHP/CRHR eligible sites, no further cultural resource work is required.

CPUC Evaluation of Variance Request

In accordance with the MMCRP, the subject variance request was reviewed by CPUC to confirm that no new impacts or increase in impact severity would result from the requested variance activities. This review also included a visit of the subject site the week of April 10, 2011 by the CPUC Lead Environmental Monitor (EM). The following discussion summarizes this analysis for biological, cultural, paleontological, and hydrological resources, sensitive land uses/noise, and other issue areas. A list of conditions is presented below to define additional information and clarifications regarding mitigation requirements. In some cases, these items exceed the requirements of the Mitigation Measures and Applicant Proposed Measures, and are based on specific site conditions and/or are proposed conditions by SDG&E.

Biological Resources. The proposed work area is vegetated. For all construction activities in the expanded work limits, some clearing will need to occur. Where possible, the method of clearing will consist of drive and crush. No vegetation clearing or drive and crush treatment will be allowed during the bird nesting season until direct approval by the resource agencies has been granted or otherwise permitted under the *Nest Survey Protocol*, currently under review. To avoid harm to nesting birds, SDG&E and its contractors will implement the Project mitigation measures for nesting birds and the conditions of this variance approval found below.

Three sensitive plant species are in the vicinity of the impact area including sticky geraea, Jacumba milk vetch and Nevin's batberry. As required under Mitigation Measure B-5a, all special status plant populations shall be staked or flagged by a qualified biologist... Impacts to federal or State listed plant species shall first be avoided where feasible, and where not feasible, impacts shall be compensated through salvage and relocation via a restoration program and/or off site acquisition. The area will be restored to its original conditions after construction is completed.

Hydrological Resources. No concerns noted under this request.

Cultural and Paleontological Resources. The Final Inventory Report for Cultural Resources was accepted on June 2, 2010, by BLM and CPUC. A cultural and Native American survey was performed on January 26, 2011. No cultural resources are located within the proposed expansion area. The Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP) was accepted on June 17, 2010. The extra workspace requested within this variance shall have the same paleontological monitoring requirements as at Structure EP215. In the event of an unanticipated discovery of archaeological or paleontological materials, all ground-disturbing work within the immediate area of the discovery will be suspended. Any new discoveries shall be managed in compliance with the procedures and guidelines for Treatment for Unanticipated Discoveries set forth in the Final Historic Properties Management Plan (HPMP) and PMDTP.

Traffic. No concerns noted under this variance.

Sensitive Land Uses/Noise. No concerns noted under this variance.

Other Issue Areas. No concerns noted under this variance.

Conditions of Variance Approval.

The conditions presented below shall be met by SDG&E and its contractors:

1. All applicable project mitigation measures, APMs, compliance plans, permit conditions and conditions of NTP #13 shall be implemented. Some measures have on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable.
2. Copies of all relevant permits, compliance plans, and this Variance approval shall be available on site for the duration of construction activities.
3. Impacts to vegetation may not occur in the area of this request during nesting season until concurrence by the resource agencies has been granted or otherwise permitted under the *Nest Survey Protocol*, currently under review by the resource agencies.
4. Preconstruction surveys shall be conducted as outlined in the *Nest Survey Protocol*. Bird species nest surveys are to be conducted 7 days prior to initiation of or restarting construction within 100 (500 feet for certain species) of project areas. Vegetation removal/tree trimming and construction impact areas will be staked in advance of all surveys.
5. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur immediately preceding and during active construction as part of required biological monitoring activities. If active bird nests are found, a Biological Monitor shall establish an appropriate buffer around the nest and no activities will be allowed within the buffer until the young have fledged from the nest or the nest fails. The Biological Monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer until the nesting cycle is complete or the nest fails. The Biological Monitor shall be responsible for documenting the results of the surveys and the ongoing monitoring. The buffer may be adjusted with the approval of CDFG and USFWS, and with prior knowledge of the CPUC.
6. As required under Mitigation Measure B-5a, all special status plant populations shall be staked or flagged by a qualified biologist... Impacts to federal or State listed plant species shall first be

avoided where feasible, and where not feasible, impacts shall be compensated through salvage and relocation via a restoration program and/or off site acquisition.

7. Wildlife found to be trapped will be removed by a qualified Biological Monitor. If the Biological Monitor is not qualified to remove the entrapped wildlife, a recognized wildlife rescue agency (such as Project Wildlife) will be contacted to remove the wildlife and transport it safely to other suitable habitats.
8. All crew members shall be Safe Worker and Environmental Awareness Program (SWEAP) trained prior to working on the project. A log shall be maintained on-site with the names of all crew personnel trained. For any crew members with limited English, a translator shall be on-site to ensure understanding of the training program. In place of a translator, the SWEAP training brochure can be provided in Spanish or other languages as appropriate. All participants will receive a hard-hat sticker for ease of compliance verification.
9. In the event of an unanticipated discovery of archaeological or paleontological materials all ground-disturbing work within the immediate area of the discovery will be suspended. Any new discoveries shall be managed in compliance with the procedures and guidelines for treatment for unanticipated discoveries set forth in the HPMP and PMDTP.

Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard
CPUC Environmental Project Manager
Sunrise Powerlink Transmission Project

cc: Daniel Steward, BLM El Centro Field Office
Tom Zale, BLM El Centro Field Office
Bob Hawkins, Forest Service
Eric Kershner, USFWS
Erinn Wilson, CDFG
Susan Lee, Aspen Environmental Group
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