

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 21, 2012

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 #40

Dear Mr. Colton,

On March 20, 2012, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to use an area near GS-NF-7 and the Vicente Reservoir within Segment 5 for staging (NTP #13, overhead on non-federal lands), Sunrise Powerlink Project.

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 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 #40 for use of an area near GS-NF-7 for staging 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 March 20, 2012, are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a variance to the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) issued October 2008 and the Project Modification Report (PMR) approved on September 22, 2010 to use an area owned by San Diego County Water Authority (SDCWA) near GS-NF-7/San Vicente Reservoir for access, parking, maneuvering, fueling/re-fueling, mobilizing, and demobilizing of equipment. Proposed construction activities include staging the pull site for wire stringing, installing a guard structure, wire stringing, installing temporary supports for the guard structure (flower pots), and helicopter picks to support wire stringing operations.

The requested workspace is currently used by SDCWA to support construction of the new dam at San Vicente, mainly to park fly-ash tanker trailers. It is previously disturbed, completely devoid of vegetation, and entirely paved. SDCWA activities in support of the dam construction are conducted around the clock, seven days a week. Per a meeting with

SDCWA, UPC (United Power Corporation – subcontractor to PAR), SDG&E, and Finley Engineering on March 14, 2012, SDCWA has agreed to temporarily share the boat lanes area for coordination with wire stringing activities. SDCWA requested that the boat lane area be cordoned off and traffic detoured to the east and north on existing paved access roads.

On the west and east ends of the boat lanes, either a mobile crane and/or “flower pot” guard structures (large concrete bases that support the vertical poles of a guard structure) will be positioned on the asphalt to protect the boat lanes and an existing oak tree to the west of the paved area. The crane will be positioned at a safe distance and the operator raises the guard arm above the tree but below the conductor being installed. The crane operator will adjust the guard arm position to verify protection of the tree and boat lanes during stringing operations. A second option which may be employed at this location is flower pots. The flower pots are simply set into position by crane/forklift with no excavation. The mobile guarding vehicle/flower pots will remain for the duration of the wire pull.

Per SDCWA, the northern portion of the boat lanes can be used for material/equipment staging and helicopter operations. At this location, the equipment/hardware/materials will be staged and flown in and out as needed with a long line. Conductor assemblies will be flown out of this same area as needed for wire terminations. Baskets will be flown out of the approved work space as needed for both personnel and tools. Personnel transport, optical ground wire (OPGW) assemblies, and marker balls may be required to be flown out of this area for wire work.

Helicopter operations are allowed at pull sites for wire stringing staging, landing, long-lining, and other related activities; however the two existing pull sites (CP43) are adjacent to the road and present other challenges: the north pull site requires landing in a small valley on a 10 to 15 % slope and the southern pull site is directly adjacent to the San Diego County Water Authority (SDCWA) trailers and road. The boat lanes are much safer and less intrusive to SDCWA's dam construction traffic and operations, as it is a large area and allows a buffer area from the adjacent access roads.

The southern portion of the boat lanes will be used for SDCWA and SDCWA's contractors; however, wire stringing operations (**crews**) will be providing traffic control, cones, signage, and barricades as requested by SDCWA and will need to have access to this area as well. This variance request also includes the detoured access roads to the east and north of the boat lanes for access and traffic control.

Project activities will be conducted in accordance with the same impact avoidance, minimization, monitoring, and mitigation measures that apply to all other Project impact areas. Identified measures include those specified in the Project's Mitigation Monitoring, Compliance, and Reporting Program (MMCRP), PMR, and approved plans and permits for specific types of activities.

Biological Resources

The requested area is an existing “diamond-shaped” parking lot/boat ramp approximately 750 feet long and 90 feet wide at its widest (middle) point. It is located between tower sites CP44-1 to the west and CP43-1 to the east. The paved areas exhibit relatively little slope with a “park like” island containing a gazebo, ornamentals, and restrooms to the east within the buffer and a vestige of disturbed open space to the west/southwest. This small strip is best characterized as Disturbed Diegan Coastal Sage-Scrub and Mule Fat Scrub, containing dominant woody shrub species in an open distribution, with average heights of 5 feet, including: scale broom and California sagebrush with scattered trees of western sycamores, coast live oak, and Mexican elderberry. The understory is open and dominated by non-native annuals and non-native grasses. No special status floral or faunal species were detected during surveys within the survey area and surrounding buffer.

Wildlife detected during the survey included several species of birds such as red-tailed hawk, Cooper's hawk, turkey vulture, common raven, Anna's hummingbird, California towhee, lesser goldfinch, house finch, Bewick's wren, white crowned sparrow, and bushtit. One active bushtit nest was located approximately 20 feet west of the western edge of the area and is not anticipated to be affected by work occurring at over 20 feet away at the proposed site. An applicable nest buffer will be applied per the Nesting Bird Management and Monitoring Plan (NBMMP). If appropriate a nest buffer reduction request will be submitted to the Wildlife Agencies per the NBMMP. Other wildlife seen included western fence and side-blotched lizards, and California ground squirrel. The proposed activities described above will not require any vegetation trimming or removal.

The site does not represent habitat for any special status species, flora or fauna, as it is a previously paved lot. Quino checkerspot butterfly(Quino) was observed approximately 2500 feet to the northwest during pre-construction surveys in 2009 and any host plants within 1 km could potentially provide habitat. Therefore, a host plant survey was conducted in the surrounding area during the 2012 assessment. Both purple owl's clover and dot-seed plantain were observed approximately 400 feet to the northwest. However, the proposed work will not impact those host plants or any butterflies that may utilize them. Although some potential Quino nectar sources (California buckwheat) occur in the vegetated habitat adjacent to the site it is unlikely Quino adults would fly into the path of the helicopter given the absence of host plants in the adjacent habitat; the site is developed (paved) and the proposed site is down slope in a canyon bottom away from potential habitat. No Quino checkerspot butterflies or larvae were observed in the site or surrounding habitat during the 2012 assessment.

There are patches of coastal sage scrub habitat within 500 feet of structures CP42-1 (northwest of the proposed site) and CP43-1 (southeast of the proposed site) that have been identified as suitable for coastal California gnatcatcher. Potential suitable habitat occurs approximately 400 feet to the southeast. This habitat and all other suitable habitat between CP39 and CP43-1 have been surveyed for gnatcatcher weekly beginning on February 14, 2012. To date, no gnatcatcher has been observed within the suitable habitat within 500 feet of the proposed site. The nearest gnatcatcher is paired and currently building a nest near CP39, approximately 1.25 miles to the northwest. Because the proposed work site occurs within an area that currently supports gnatcatchers (1.25 miles to the northwest), weekly surveys will be conducted throughout the breeding season.

No potential jurisdictional wetland or waters features were observed within or adjacent to the proposed work site.

Cultural and Paleontological Resources

This parking lot was surveyed for archaeological materials during both preconstruction fielding activities and cultural resources inventories for the Sunrise Powerlink Final Environmentally Superior Southern Route (Garcia-Herbst, et al 2010). The use of the extra work area to facilitate guard structure installation and wiring activities at the pull site will not create any impact on a NRHP/CRHR eligible site and no further cultural resources work is recommended. The proposed work area is not within a geological deposit with the potential for paleontological deposits and no excavation is requested as part of this variance. There is no potential for impacts to paleontological resources from the proposed activities.

Noise

The proposed use for the access road will not create significant additional noise disturbance to nearby land uses. Access will increase the volume of traffic normally utilizing the road by San Vicente Dam personnel but does not increase the volume of Project traffic that has been approved on the adjacent project access road within the facility. No additional property owners will be affected by utilizing the proposed access road and SDG&E maintains an easement with the current property owner.

Air Quality

SDG&E will comply with the Dust Control Plan as approved for the Project.

Comments/Conditions

- SDG&E will not disturb any active nest of protected birds (e.g., MBTA, ESA, state-protected per Fish and Game Code sections 3503 and 3503.5) within the NBMMP buffers until after the nest outcome is complete.
- SDG&E will conduct nesting bird surveys in accordance with the NBMMP and Nest Survey Protocol and follow all other approved plans, permits, and mitigation measures.
- SDG&E will conduct gnatcatcher surveys in accordance with Mitigation Measure B-7I.
- There will be no trimming or removal of trees, large shrubs, or any vegetation that has the potential to support raptor or owl nests.
- SDG&E will follow the approved Storm Water Pollution Prevention Plan (SWPPP).

CPUC Evaluation of Variance Request

In accordance with the MIMCRP, 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. The following discussion summarizes this analysis for biological, cultural, paleontological, and hydrological resources,

sensitive land uses/noise, and visual. 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 site was reviewed in the field by the CPUC EM/biologist. In addition the CPUC consulting biologist reviewed the request on March 21, 2012 and provided concurrence.

Construction will be subject to Mitigation Measure B-8a (including the Nest Survey Protocol and Nesting Bird Management Plan) to protect nesting birds.

Hydrological Resources. All project SWPPP BMPs shall be implemented.

Cultural and Paleontological Resources. The area was surveyed for archaeological resources during both preconstruction fielding activities and cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route (Garcia-Herbst, Iversen, Laylander, and Williams 2010). The CPUC cultural specialist reviewed the request on March 21, 2012. In accordance with Mitigation Measure C-01b, cultural resource sites in proximity will be flagged off with temporary orange fencing and designated as Environmentally Sensitive Areas (ESAs). ESA buffers will be established and protected as exclusionary zones. Mitigation Measure C-01e provides that Project-wide archaeological and Native American monitors are to be on-site during the temporary fencing of ESAs. Mitigation Measures set forth in the Final Historic Properties Management Plan (HPMP) will be implemented during construction, as required (Iversen et al. 2010).

Based on the Final Paleontological Monitoring and Discovery Treatment Plan, accepted on June 17, 2010, the potential to encounter paleontological resources within the requested areas varies from zero to low. In addition, no ground disturbing activities will take place within the proposed work area. No NTP conditions are recommended.

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 Historic Properties Management Plan (HPMP) and PMDTP.

Traffic/Sensitive Land Uses/Noise. Traffic impacts for use of the proposed areas have been assessed. No concerns noted.

Visual. No visual concerns are noted.

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.

3. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur during active use of the subject sites as part of required biological monitoring activities.
4. If active nests are found, follow protocols in MM B-8a (including the Nest Survey Protocol and Nesting Bird Management Plan). 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. A chronology of nesting activity, including any buffer reductions, specific construction activity nearby, and bird behavior shall be noted in the project nesting log to be submitted on a weekly basis.
5. The proposed work site occurs within an area that currently supports gnatcatchers (1.25 miles to the northwest), weekly surveys will be conducted throughout the breeding season during use of the site.
6. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
7. In accordance with Mitigation Measure C-01b cultural resource sites will be flagged off with temporary orange fencing and designated as Environmentally Sensitive Areas (ESA)s. ESA buffers will be established and protected as exclusionary zones. Mitigation Measure C-01e provides that Project-wide archaeological and Native American monitors are to be on-site during the temporary fencing of ESAs. Mitigation Measures set forth in the Final Historic Properties Management Plan (HPMP) will be implemented during construction, as required (Iversen et al. 2010).
8. In the event of an unanticipated discovery of archaeological or paleontological materials, they shall be managed in compliance with the procedures and guidelines for Treatment for Unanticipated Discoveries set forth in the HPMP and PMDTP.
9. All unanticipated cultural, paleontological, and biological discoveries shall be immediately reported to the CPUC EM.
10. All complaints received by SDG&E in regard to use of the areas, shall be logged and reported immediately to the CPUC.

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
Erinn Wilson, CDFG

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