

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



April 27, 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 #41

Dear Mr. Colton,

On April 17, 2012, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to make improvements to a private driveway at Deerhorn Valley Road and Cinnamon Drive near Project Tower EP 36-1 (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 #41 to make improvements to a private driveway at Deerhorn Valley Road and Cinnamon Drive 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 17, and an e-mail clarification received April 25, is 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 make improvements to a private driveway at Deerhorn Valley Road and Cinnamon Drive on the Sunrise Powerlink Project (Project). Property owners off of Cinnamon Drive (a project road) near EP36-1 have requested that SDG&E improve their road connection to the County public road (Deerhorn Valley). As Cinnamon Drive is a private road, not a County maintained road, there are persistent issues with degradation of the road, especially the connection between the pavement and the dirt road. Completing these improvements will add 450 square feet of disturbance to an already-disturbed, non-vegetated road shoulder. This will be a new permanent impact. SDG&E is contributing to the

condition of the road with access to both Sunrise Powerlink and a 69 kV line. This variance is being sought contingent upon permit approval from the County of San Diego.

The proposed work includes installation of an asphalt driveway and placement of rumble plates. A rumble plate has been previously installed to reduce dirt track out onto the paved road. No other Project related work occurs in the immediate area. The work area adjoins private residential properties on all sides. Removal of 8 inches of existing material will be necessary prior to placing class 2 base (rocks). Hot asphalt and the rumble plates will then be installed. Crews will use a paving machine and excavator. It **(is estimated that it)** will take the crew of 3 to 4 people approximately 2 to 3 days to complete the work.

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 **(biological)** survey area included the potential impact area for the proposed driveway paving and the surrounding 100-foot and 500-foot buffer areas. The purpose of the survey was to confirm that no biological resources would be directly impacted by the proposed work and to assess the surrounding vegetation for the potential for nesting birds and raptors. Data collected within this survey area demonstrated the potential for birds and raptors to nest adjacent to the work area and included vegetation height, woody and herbaceous plant cover, and species composition. Although present in the adjacent habitat, there is no woody vegetation (shrubs or bushes) within the impact area and thus no woody vegetation will be directly impacted. All plant species observed within the proposed impact area and surrounding 100-foot buffer were recorded. The larger 500-foot buffer was evaluated based on habitat community, dominant plant species, and suitability for nesting raptors. Some grass and other herbaceous annual species do occur on the road shoulder. Little to no herbaceous vegetation impacts are expected. The proposed impact area does not provide habitat for any special-status plant or wildlife species.

(Additional pre-construction) nest surveys will be completed per the standard protocol, and will cover areas within 500 feet of the site.

Cultural Resources. This area was surveyed for archaeological materials during cultural resources inventory work for the Sunrise Power link Final Environmentally Superior Southern Route (Garcia-Herbst, et al 2010). During that time no sensitive cultural resources were identified in the vicinity of the existing road and the potential for buried resources is low. The road improvement and expansion of the existing driveway at this location will not impact NRHP/CRHP eligible sites and no further cultural resources work is recommended.

The proposed access road locations are not within geological deposits with potential for paleontological deposits. There is no potential for impacts to paleontological resources from the proposed activities.

Noise. The proposed activities will occur during normal/approved hours.

Air quality. SDG&E will comply with the dust control Plan as approved for the Project. Logs of equipment hours and engine types will be prepared.

Conditions/Comments:

SDG&E will have qualified, on-site avian biologists search for active nests within all required buffers per the Nest Survey Protocol (April 27, 2011) and the Nesting Bird management and Monitoring Plan (NBMMP) (January 13, 2012). SDG&E will not disturb any active nest of protected birds within the NBMMP buffers until after the nest outcome is complete.

(Notes documenting a meeting with the land owner on January 26, 2012 were submitted to the CPUC to verify the land owner's request for driveway improvements.)

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. 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 area proposed under the request was assessed during the 2009 and 2010 Project preconstruction surveys and a 2012 habitat assessment. No special status plants or wildlife were reported. The CPUC consulting biologist provided review concurrence April 25, 2012.

While no bird nests or nesting activity was observed during the habitat assessment, impacts to nesting birds could still occur during the nesting season. Therefore, 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. No concerns are noted.

Cultural and Paleontological Resources. On April 19, 2012 the CPUC cultural consultant provided that based on the Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP), accepted on June 17, 2010, there are no sensitive paleontological resources located near structure EP36-1. The Final Inventory Report of the Cultural Resources was accepted on June 2, 2010. No known cultural resources were identified within the proposed improvement 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. No concerns are 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 site 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 or their designees, 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. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
6. If the application of water is needed to abate dust, SDG&E shall use the least amount needed to meet safety and air quality standards and prevent the formation of puddles, which could attract wildlife to construction sites (as requested by USFWS). Conditions of the Dust Control Plan will be implemented and enforced.
7. 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.
8. All unanticipated cultural, paleontological, and biological discoveries shall be immediately reported to the CPUC EM.
9. All complaints received by SDG&E in regard to use of the areas, shall be logged and reported immediately to the CPUC.
10. Permit approval from the County of San Diego shall be submitted to the CPUC prior to work approved under this variance.

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
Eric Porter, USFWS
Susan Lee, Aspen Environmental Group
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