

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



November 1, 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 #29

Dear Mr. Colton,

On October 21, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) for guard structure installations (NTP #13, overhead on non-federal lands), of the Sunrise Powerlink Project. An updated request was submitted October 26, 2011.

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 #29 for guard structure installations 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 October 21, 2011, as well as an updated request received October 26, 2011 are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is submitting this request as 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, by CPUC to incorporate the extra workspace for guarding facilities to the Sunrise Powerlink Project (Project) alignment within non-Federal lands.

To support this modification, SDG&E assessed construction methods based on an expedited schedule, identified sensitive resources for avoidance/minimization, and completed additional field verification of the construction engineering design. The above-named modification identifies proposed changes to the alignment since the PMR.

This variance request describes the changes that will occur at the identified work areas and examines the potential for the changes to result in impacts that would exceed the levels that are identified in the PMR and the Project's FEIR/EIS and mitigated by the measures specified in the Project's approved plans and permits; or be inconsistent with the FEIR/EIS and PMR.

Based on the locations and types of activities at the work sites, the proposed locations will result in minor temporary impacts to non-Federal lands and to some sensitive resources as detailed in the individual sections below. The additional impacts are small in scale and are temporary in terms of duration and residual effects. None of the new impacts are different in type or intensity than those identified in the PMR and FEIR/EIS as occurring on non-Federal lands or elsewhere on the Project. All of the additional impacts can be mitigated by the measures already identified and approved for the Project.

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

All impacts associated with this request are temporary in nature. The additional temporary impacts will be mitigated through a combination of offsite conservation and onsite restoration. A final accounting of impacts and mitigation will be prepared during the post-construction phase and provided to the CPUC and other responsible agencies. Habitat and cultural assessments were performed for each of the requested work areas and are included in their respective sections. Any temporary impacts to sensitive vegetation communities during construction from these activities shall be restored per the approved Restoration Plan for Sensitive Vegetation in Temporary Impact Areas (RPSV) (March 15, 2011).

SDG&E will implement the approved 2009/2010 Weed Control Plan for the Environmentally Superior Southern Route of the SDG&E Sunrise Powerlink Project (Weed Control Plan) (November 10, 2010). Weed control areas/weed avoidance areas are defined in the Weed Control Plan using weed density maps, which break down the areas by species. These maps can be applied to the proposed areas of Project modifications with reasonable effectiveness. As shown in the weed density maps, most of the modifications proposed in this document are relatively far from identified areas characterized as medium to heavy invasive weed areas.

As required under the MMCRP, pre-impact surveys will be conducted where sensitive plant species have the potential to occur. Where sensitive plant populations occur, the impact minimization and mitigation measures identified in the approved Restoration Plan for Special Status Plants (RPSP) (January 31, 2011) will be implemented. For any sensitive plant populations identified in the biological surveys the RPSP requires restoration within the temporary impact area or within undisturbed portions of the Project right-of-way (ROW). These are presented in the individual assessments below.

Guard structures are temporary in nature and would create minimal visual impacts. They are needed for the safety of the public and facility crossing during wire stringing operations. Guard structures would be installed for approximately one month and would be removed upon completion of the wire stringing activities.

#### **GUARD STRUCTURES**

SDG&E is submitting this modification to provide temporary work space and access to various transmission line crossings to allow for guarding of facilities such as roads, highways, freeways, railroads, communication lines, electric distribution lines, and electric transmission lines where the Sunrise Powerlink overhead transmission line crosses over these features.

During the construction phase involving wire stringing activities, lines and conductors are pulled from a tension site to a pull site over a sag/pull section (there are typically five to ten supporting structures between two tension structures). Any crossings (e.g., roads, trails) beneath these sections will require some means of protection in the event that the line or conductor drops below a conventional wire stringing height. This protection is necessary for public safety and prevention of hazardous conditions. To prevent these hazardous conditions SDG&E requests work areas and access to appropriately guard the structures and facilities that may be crossed during construction of the overhead transmission line. The various methods for guarding wire stringing crossings includes installing wood pole guard structures, positioning a mobile crane, or lowering existing overhead utilities to the ground. These methods are described below.

The use of wood pole guard structures would require setting several vertical poles alongside and parallel to the point of crossing and installing a horizontal pole (cross-arm) high up above the crossing between the vertical poles. With the conventional wood pole guard structure, the necessary work crew along with materials and equipment are transported to the work site using existing access roads, or by pulling off the road at the crossing location. In locations where no road or access exists, crew and equipment will be flown to the locations by helicopter.

Vegetation removal will be required at all locations where direct burial poles will be installed. Trimming and uprooting vegetation will typically be done by hand using hand tools and a chain saw. In some cases a skid steer with mower attachment or a back hoe will be used to clear thick vegetation as appropriate. The estimated area of vegetation removal will be approximately 100 square feet per pole (10 feet x 10 feet). The number of poles at each work site will vary depending on the crossing conditions; the number ranges from two to fifteen with an average of six poles per guard structure location. Additional vegetation impacts may be necessary in order to access work areas. Holes for direct burial poles will be dug with a drilling rig/auger machine as two foot diameter holes to a depth of two feet plus ten percent of the pole length (2 feet + 10 percent of pole length). Pole lengths will vary depending on the pathway being crossed and the height of the object from the ground surface. Pole lengths range from 45 to 75 feet with an average pole length of 50 feet. Poles will be delivered to the work site by truck and trailer and unloaded using a crane. At locations inaccessible by road, the poles will be staged at a nearby construction yard and flown to the work site via helicopter. Similar to unloading and delivering the poles, both the poles and cross-arms will be lifted and set in place by either a crane or helicopter. Temporary poles will be backfilled using the native spoils removed from the drilling process and compacted using either a hydraulic or pneumatic tamper.

Micropile foundations may be the best option for placing guard poles where rock is present. At these locations micropile foundations will be installed which will require the use of a micropile drilling rig to bore 10-inch wide diameter holes to a depth of 25 feet. In instances where micropile foundations are used, a casing will be inserted into the hole along with a threaded rod. The casing will be filled with grout that will secure both the casing and the threaded rod into place. After a curing time of approximately 24 hours, an additional casing extension will be threaded onto the grouted rod. The wood pole will be fastened to an I-beam and the casing extension, using hardware and straps. These guard structures will not require guy wires for support except at all of the Caltrans highway crossings. At Caltrans crossings, Caltrans requires guying to support poles holding up a "guard net" which spans the width of the highway crossing. A guard net required by Caltrans typically consists of a steel net set parallel to the road at approximately 20 to 30 feet above the ground and the length from guard pole to guard pole. They are typically made of 3/16 inch stainless steel airplane cable with a web opening of approximately 3 feet by 3 feet. The number of guy anchors used for this purpose ranges from 10 to 20 with the average number being 14. Holes for these guy anchors will typically be dug by hand using a jackhammer and hand tools. These holes will be approximately 2 feet in diameter and dug to a depth of 8 feet. A small number of these holes will be dug by a digging machine where acceptable. The guy anchor base plate and rod will be placed into the hole and backfilled.

It is anticipated that these temporary guard structures will remain in place for as long as one month. Upon completion of the wire stringing activities, the guard structure will be dismantled. Direct burial poles set by crane will be removed and backfilled while those set by helicopter will be cut off one foot (**a minimum of three feet below the ground level is required under this variance approval**) below the ground level using a chain saw and will be backfilled with native soil. Micropile foundations will be sawed off even with the surface of the rock. Guy anchors will be unscrewed from the anchor base plate and removed. SDG&E will restore areas temporarily impacted by installation and removal of the guard structures (per the Restoration Plan for Sensitive Vegetation Communities) and will implement the Weed Control Plan. Two locations have been identified as having potential impacts to jurisdictional waters (GS-USFS-1/GS-NF-11, GS-NF-26). SDG&E will delineate and establish Environmentally Sensitive Areas (ESAs) for jurisdictional waters at these locations and avoid all impacts to these jurisdictional waters. SDG&E will install Best Management Practices (BMPs) as detailed in the Stormwater Pollution Prevention Plans (SWPPPs).

In some instances a mobile crane option would require driving a crane to the guarding site and positioning the crane adjacent to the crossing. The crane's boom is raised below the wire stringing and over the existing facility/infrastructure being crossed. A steel arm is attached to the boom which is used to intercept any line or conductor a safe height above the infrastructure being protected.

Line lowering will be used at locations where it is feasible to take a utility outage for overhead line crossings. SDG&E will coordinate with the utility owner. At locations where the utility owner has approved this option and where a wood pole guard structure would be difficult to install, line lowering is the preferred method of guarding. The line will be physically

detached from its supporting structures and lowered down to the ground. Once lowered to the ground, the line will be covered with a protective hardboard material underneath the crossing. In some cases, guy wires will need to be installed to support the existing poles left under tension from the removal and lowering of the line. If guy wires are required, two to four guy anchors will be installed using the same method as described above for the CalTrans guard netting installations.

Every effort has been made to outline work limits and existing pole access for line lowering but in the event of unexpected site conditions, access to additional existing poles may be required to safely and adequately complete the line lowering activity. In such cases, appropriate environmental monitors will accompany work crews. Line lowering, in most cases, will be a low impact activity with walk-in access and hand carried tools.

In some cases, utility/communications line owners may elect to guard and protect their own lines in conjunction with SDG&E (or its contractors), therefore SDG&E (or its contractors) will only coordinate scheduling of the crossing protection with the utility owner. AT&T telecommunications may require additional grounding on their facilities (telephone lines or joint use lines with telephone). The protection methods used by the utility owner cannot be predetermined and may have impacts outside approved work areas which will not be monitored. Historically on the Project, AT&T has allowed Sunrise contractors to guard the facilities for them and has only required notification for the beginning/end of work. **(Please note that if work is not to be conducted by SDG&E, SDG&E will need to supply to the CPUC EM the dates of the AT&T grounding work and a contact for AT&T prior to the start of work.)**

SDG&E has coordinated with the County of San Diego and submitted Traffic Control Plans for any County ROW crossings or impacts to County-maintained roads. SDG&E coordinated with Bob Bishop of AT&T on August 1, 2011, for any guarding of telephone facilities. Additionally, SDG&E has coordinated with CalTrans and obtained CalTrans permits for any CalTrans crossings. SDG&E Sunrise Powerlink Project coordinated with SDG&E Operations and Distribution groups on April 29, 2011, and May 2 and 4, 2011, regarding guarding of existing utility lines. Notification information is presented in each individual assessment below.

Guard structure work areas and access include the following locations:

GS-USFS-1/GS-NF-11:

The proposed guard structure will be within the ROW where the alignment crosses an existing distribution line between structures CP70 and CP71. The site consists of one guard structure segment and one access road. An outage on the existing distribution followed by line lowering will be the most likely method of guarding this utility. However, if an outage is not possible, guard structures will be installed. The guard structure will be placed approximately 630 feet northwest of CP71, between two similarly named El Monte Roads within Lake Jennings Park (please note this road is different from the third similarly named El Monte Road/Forest Route 13S10 just to the north). Access to the northern segment of the guard structure site will be from the middle segment of El Monte Road, while access to the southern end will be along the more major and southernmost El Monte Road. The middle segment of El Monte Road is partially paved and is proposed as new Project access.

This new access will run for 1800 feet in an east/west direction and, due to a large existing watermain under the access road, the City will only allow pickup truck traffic. Poles will be delivered by helicopter. Impacts at the guard structure location include hand and/or mechanical digging to set six poles. Temporary impacts associated with installation of the wood guard poles will result from excavation of the pole holes, placement of the excavated soil, removal of the guard poles upon completion of wire pulling activities, and impacts caused by crewmembers accessing and walking on the areas around the poles. Since the poles will be installed by helicopter, the poles will be cut a foot below the ground elevation **(a minimum of three feet below the ground level is required under this variance approval)** and backfilled during the removal process. Additional impacts include coast live oak tree trimming along the middle segment of El Monte Road, as well as potential vegetation clearing alongside the road. Similar impacts will also occur around the existing 12kv poles, which will be accessed to ground and potentially lower the line if an outage is obtained.

SDG&E has coordinated with Joe Weber, Lakes Program Manager with the City of San Diego (City). SDG&E will continue to coordinate with the City. The City of San Diego has placed a notification on their website that there is the potential for a park closure from November 14 through November 30. When definitive dates for wire stringing activities are established, SDG&E will notify the City and the website will be updated.

A biological survey was performed on May 19, 2011. No sensitive plant species were found during the survey but in previous surveys delicate clarkia was observed in the vicinity of this guard structure location. Where sensitive plant populations occur, the impact minimization and mitigation measures identified in the approved Restoration Plan for Special Status Plants (RPSP) (January 31, 2011) will be implemented. The site is not in a known weed avoidance area. No sensitive wildlife species, nests, or nesting activities were observed during the survey. Sensitive species with the potential to occur in this area include coastal California gnatcatcher, loggerhead shrike, orange-throated whiptail, coast horned lizard, and northern red diamond rattlesnake. A single jurisdictional stream is present in the central portion of the guard structure work area. This ephemeral tributary to the San Diego River is approximately 2 feet wide and 2 feet deep, and extends roughly north to south through the middle of the guarding area for approximately 300 feet. This jurisdictional stream will be flagged as an ESA and avoided during guard pole installation and removal. SDG&E will install BMPS as described in the SWPPPs.

#### GS-NF-12

The proposed temporary guard structure is within the ROW where the alignment crosses an existing distribution line running west-northwest to east-southeast between structures CP74-2 and CP75-1. The work area is south of El Monte Road adjacent to El Capitan Lake. The work will involve lowering of the existing 12KV distribution line for a distance of approximately 1416 feet between CP74-2 and CP75-1. Access to the proposed work area for lowering the distribution line will be pedestrian from El Monte Road or the TSAP at CP 75-1. Temporary impacts associated with the line lowering include damage to vegetation from the line as well as foot traffic to and from existing wood poles to lower and then to later re-install the line. No vehicle traffic or other ground disturbing activity will occur within this work area.

SDG&E has coordinated with Joe Weber, Lakes Program Manager with the City of San Diego (City). SDG&E will continue to coordinate with the City. The City of San Diego has placed a notification on their website that there is the potential for a park closure from November 14 through November 30. When definitive dates for wire stringing activities are established, SDG&E will notify the City and the website will be updated.

A biological survey was performed on June 11, 2011. There were no rare plant species observed (**the survey was conducted outside of blooming season**), but in previous surveys delicate clarkia was observed within the vicinity of this proposed guarding area. Where sensitive plant populations occur, the impact minimization and mitigation measures identified in the approved RPSP (January 31, 2011) will be implemented. The location of this proposed guarding area is not a known weed-avoidance area. There were no bird nests or nesting activities observed. No sensitive wildlife species were observed. Sensitive species with the potential to occur in this area include coastal California gnatcatcher, loggerhead shrike, orange-throated whiptail, coast horned lizard and northern red diamond rattlesnake.

#### GS-NF-13

The proposed temporary guard structure is within the ROW where the alignment crosses an existing 12KV distribution line running west-northwest to east-southeast between structures CP76-1 and CP77. The site is south of El Monte Road adjacent to El Capitan Lake. The work will involve lowering of the existing distribution line for a distance of approximately 900 feet to the southeast of CP76-1. Similar to GS-NF-12, access to the proposed work area for lowering the distribution line will be pedestrian from El Monte Road or the TSAP at CP 75-1. Temporary impacts associated with the line lowering include damage to vegetation from the line as well as foot traffic to and from existing wood poles to lower and then to later re-install the line. No vehicle traffic or other ground disturbing activity will occur within this work area.

SDG&E has coordinated with Joe Weber, Lakes Program Manager with the City of San Diego (City). SDG&E will continue to coordinate with the City. The City of San Diego has placed a notification on their website that there is the potential for a park closure from November 14 through November 30. When definitive dates for wire stringing activities are established, SDG&E will notify the City and the website will be updated.

A biological survey was performed in the proposed impact area on June 11, 2011. There were no rare plant species observed during the survey (**the survey was conducted outside of blooming season**) but, in previous surveys, delicate clarkia (*Clarkia delicata*) was observed within the vicinity of this guard structure. Where sensitive plant populations occur, the impact minimization and mitigation measures identified in the approved RPSP (January 31, 2011) will be implemented. The guarding area is not a known weed-avoidance area. No bird nests or nesting activities were observed. No sensitive wildlife species were observed. Sensitive species with the potential to occur in this area include coastal California gnatcatcher, loggerhead shrike, orange-throated whiptail, coast horned lizard, and northern red diamond rattlesnake.

GS-NF-19

An outage on the existing joint use line (12kv and telephone) followed by line lowering will be the most likely method of guarding this segment of the project. However, if an outage is not possible, a mobile crane will be used. The proposed guard structure is within the ROW where the alignment crosses a joint use line and Barrett Lake Road between structures EP43-1 and EP42. The site is on Barrett Lake Road approximately 2500 feet east of structure EP42. The proposed mobile guard structure site is one mobile guard structure segment to protect the existing utilities and an access road. Access to the proposed mobile guard structure will be from Barrett Lake Road approximately 3 miles north of the County-maintained portion of the road. Due to steep side slopes, crews must work on the road since the proposed mobile guard structure site is flanked by a steep up-slope rocky face to the west, and a steep down-slope ravine to the east. As an alternative method, if an outage on the distribution line and telephone is obtained, the lines will be lowered to the ground. Guard structure work at this location includes positioning mobile guard structure equipment. Similar impacts will also occur around the existing 12kv poles which will be accessed to ground and potentially lower the lines if an outage is appropriate.

Barrett Lake Road is a secured access non-public road. No signage will be installed for this work. Notification will be given to the City prior to this work activity.

Temporary impacts associated with this work include possible crushing of vegetation alongside Barrett Lake Road from vehicles and/or foot traffic. Additional impacts may occur from turning vehicles and equipment around to remove them from the job site. Impacts expected from use of the access road are anticipated to be minimal as the road is in good condition. There is no shoulder room to widen the access road. Little to no harm to vegetation is expected.

A biological survey of the proposed work areas was performed on June 7, 2011. There were no rare plant species observed and no threatened or endangered plant species are expected to occur in this area (**the survey was conducted outside of blooming season**). This area is not a known weed-avoidance area. The approved Project access road is Barrett Lake Road, which is an existing dirt access road containing no vegetation in the road itself. No bird nests or nesting activities were observed during the survey. Sensitive wildlife species known to occur within the vicinity of this guarding area include golden eagle, least Bell's vireo, arroyo toad, and western mastiff bat. SDG&E will implement mobile guard structures at this location as activity will occur within occupied arroyo toad habitat and within 500 feet of suitable southwestern willow flycatcher habitat and least Bell's vireo habitat which is mapped approximately 150 feet west of Barrett Lake Road at the base of Barret Canyon. The requested work area is approximately 2,115 feet from a historic golden eagle nest, but is within the existing Project corridor and between structures EP42 and EP43-1. No work areas within the vicinity of a new or different historic golden eagle nest are being requested.

GS-NF-26

The proposed temporary guard structure is within the ROW where the alignment crosses Buckman Springs Road between structures EP89-1 and EP90-1, approximately 280 feet east of EP 89-1. The work areas are on the east and west sides of Buckman Springs Road. Access to the eastern guard structure segment will be directly from Buckman Springs Road through an approved driveway. The four direct bury poles will be installed on private property behind the existing fenceline and will guard an existing telephone line and also protect the County road. To access the four westerly guard poles, a road will spur 390 feet northeast from the approved access road to EP 89-1. Since there is limited area to turn around next to the vineyard, the access road will continue south on an existing road parallel to Buckman Springs and will reconnect to the approved access road. These four poles are at a higher elevation than Buckman Springs on private property and will help protect an existing distribution line and the County road. The four sets of guard poles directly adjacent to the west edge of Buckman Springs will be placed within the County ROW on a small hillside and will also help protect the existing distribution line and County road. Installation of these poles will require a lane closure of the southbound lane of Buckman Springs Road. An approved County of San Diego traffic control plan has been obtained.

Temporary impacts associated with installation of wood guard poles within each work area will result from excavation of the pole holes, placement of the excavated soil, removal of the guard poles upon completion of wire pulling activities, and impacts caused by crew members accessing and walking on the areas around the poles. No additional impacts are expected from use of the access roads.

A biological survey of the work areas was performed on May 7, 2011. There are two proposed access roads to the western segment of the guard structure work area. These are existing dirt roads that support little to no vegetation.

However, along the northern side of the proposed access road running east/west from the northern corner of the western guard structure segment, there were three sticky geraea (*Geraea viscida*; CNPS List 2.3) found. There were no other sensitive plant species observed or expected to occur within the vicinity of this guarding area. The proposed access road, in its current alignment, will not impact these individual plants which will be delineated and marked off as an ESA for avoidance. No bird nests or nesting activities were observed. There were no sensitive wildlife species observed. The sensitive wildlife species known to occur within the vicinity of this guarding area include Coronado skink and coast horned lizard. No other sensitive wildlife species are expected to occur.

A drainage ditch approximately one foot wide and 6 inches deep is present along the west side of Buckman Springs Road in the guard structure work area. Although this feature does not contain a defined bed and bank, it is assumed to be an ephemeral tributary to Campo Creek. This jurisdictional stream will be flagged as an ESA and avoided during guard pole installation and removal. SDG&E will implement BMPs as described in the site-specific SWPPPs. The eastern segment of the proposed guard structure is a known weed avoidance area. SDG&E will implement the approved Project Weed Control Plan.

#### GS-NF-27

The proposed temporary guard structure is within the ROW where the alignment crosses an existing 69kV transmission line and dirt road between structures EP90-1 and EP91. Access to the proposed guard structure will be from Buckman Springs Road then along the existing Project access road (EP90-1-N and EP91-N) that begins approximately 660 feet west of EP90-1 and continues to the work area. The proposed guarding area is approximately 560 feet east of EP90-1 with guard poles anticipated to be positioned on both sides of the existing distribution line. Temporary impacts associated with installation of the wood guard poles within each area will result from excavation of the pole holes, placement of the excavated soil, removal of the guard poles upon completion of wire pulling activities, and impacts caused by crew members accessing and walking in areas around the poles.

Access to this existing 69 kV maintenance road is secured. No signage will be installed prior to this work.

A biological survey of the potential work areas was performed on May 7, 2011. There were no rare or sensitive plant species observed within the vicinity of this guard structure and no threatened or endangered plant species are expected to occur. Sensitive plant species known to occur within the vicinity of this guard structure include sticky geraea. A possible woodrat nest was observed on the western side of the proposed guard structure site. No sensitive wildlife species were observed during the survey. No nests or nesting activities were observed within the proposed guard structure site. Sensitive wildlife species known to occur within the vicinity of this guard structure include coast horned lizard and Coronado skink. No other sensitive wildlife species are expected to occur in the guarding area. The site itself is not in a known weed avoidance area; however, the access road that leads to the proposed guard structure site traverses a known weed avoidance area (at EP90-1).

#### GS-NF-32

The proposed guard structure is within the ROW where the alignment crosses Interstate 8 (I-8) between EP219-1 and EP220-1. A CalTrans permit has been obtained for this activity. The work area is composed of three guard structure segments, one north of the west-bound I-8 lanes, one within the median between the west- and east-bound lanes, and one south of the east-bound lanes of I-8. The proposed guard structure on the north side of I-8 will be accessed from the Wuest property near EP 219-1 on Project-approved roads, heading east approximately 100 feet to the work area. Impacts at the guard structure include minor road clearing and hand and/or mechanical digging to set four poles and six anchors. The proposed guard structures within the I-8 median will be accessed off I-8 from an existing dirt access road approximately 150 feet west of the work area. Work will include setting eight guard poles and twelve anchors as well as minor road clearing. The proposed guard structures on the south side of I-8 will be accessed from the approved pullsite road on the Lansing property, via a proposed new dirt road running approximately 280 feet north to the work area. Impacts at this work area will include minor road clearing as well as setting four poles and six anchors for the guard structures. Depending on geological conditions, the guard poles may require the use of micropiles. Temporary impacts associated with installation of the wood guard poles, micropiles, and anchors within each site will result from excavation of the pole and anchor holes, placement of the excavated soil, removal of the guard poles and anchors upon completion of wire pulling activities, and impacts caused by crewmembers accessing and walking in areas around the poles. Other impacts include minor clearing of vegetation for vehicle access roads to each work area. Also, where micropiles are used, the steel casing will be cut level with the surface of the rock when guard structures are removed.

SDG&E has coordinated with CalTrans and has obtained a CalTrans Permit. CalTrans has not required any notification to the public and therefore no signage will be installed prior to this work. (Due to the invasive nature of the proposed complex and to ensure all approaches have been considered, SDGE is to provide documentation of coordination with Caltrans requesting a mobile guard structure set up for the wire crossing activities over Interstate 8 in Boulevard, CA. As guard structures are a temporary project need, alternative approaches to guarding I-8 should be thoroughly investigated.)

A biological survey of the three work areas was performed on May 5, 2011. Sensitive plants found included seven individuals of sticky geranium along the western edge of the proposed guard structure area and one San Diego barberry southeast of the proposed access road's northern spur. SDG&E will implement the approved RPSP to minimize potential impacts. Sensitive wildlife species known to occur within the vicinity of this guarding area include silvery legless lizard. No other sensitive wildlife species are expected to occur. No nesting birds were detected and this area is not in a known weed avoidance area.

**(Paleontological and cultural discussions have been consolidated below):**

The identified guarding areas are not within a geological deposit with potential for paleontological deposits. There is no potential for impacts to paleontological resources from the proposed activities.

The requested areas were surveyed for archaeological resources during both preconstruction fielding activities and cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route. Placement of guard structures will not impact any NRHP/CRHR eligible sites; however, there is one known cultural resource site (near one of the guarding areas). This location will require erection of an ESA prior to initiation of ground disturbance activity. Archaeological and Native American monitors will monitor during ground disturbing activities (at this location).

### **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 CPUC Environmental Monitor (EM) visited the areas of the request. 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 CPUC biological consultant conducted a review of Variance Request #29 and provided the following comments:

- While no bird nests or nesting activity was observed during the biological surveys, impacts to nesting birds could still occur if construction was to occur during the nesting season. Therefore, construction may be subject to Mitigation Measure B-8a (Nest Survey Protocol and Nesting Bird Management Plan) to protect nesting birds.
- Temporary impact acreages for Variance Request #29 to sensitive vegetation were not provided in the Variance; although, based on the descriptions of the guard structure installation/removal, access to work areas, and construction methods, it appears that additional impacts to sensitive vegetation would be incremental to those already accounted for in the Project Modification Report (PMR), and subsequent variances for temporary impacts (i.e., the on-site 1:1 impacts) to sensitive vegetation are to be mitigated through the Restoration Plan for Sensitive Vegetation (RPSV) (dated March 15, 2011). Note: Impacts to coastal scrub would require mitigation at a 1.5:1 ratio (on-site restoration at 1:1 and off-site acquisition/preservation at 0.5:1), and impacts to live oak woodlands would



require mitigation at a 3:1 ratio (on-site restoration at 1:1 and off-site acquisition/preservation at 2:1).

- Furthermore, all tree trimming (e.g., coast live oak tree trimming at GS-USFS-1/GS-NF-11) is subject to BIO-APM-16 and may require mitigation in accordance with Mitigation Measure B-1a (Tree Trimming) if more than 30 percent of the canopy is removed.
- The Habitat Acquisition Plan/Habitat Management Plan (HAP/HMP) (dated September 21, 2010) would provide approximately 8,800 acres of sensitive vegetation mitigation land. The total impacts to sensitive vegetation from the PMR (approximately 743 acres), coupled with the increases in impacts from previous Variance Requests, would increase the total project impact acreage to approximately 760 acres. It is expected that Variance Request #29 would add only incrementally to this impact total. Therefore, the HAP/HMP provides all of the mitigation that would be required for the PMR and the additional impacts to sensitive vegetation from Variance Request #29. As proposed, a final accounting of impact acreages and mitigation will be prepared during the post-construction phase and provided to the CPUC and other responsible agencies.
- Pre-construction surveys for special status plant species and implementation of appropriate avoidance/minimization/compensation measures is required in accordance with Mitigation Measure B-5a. While pre-construction surveys were conducted in May and June, the surveys conducted in June (for GS-NF-12, GS-NF-13, and GS-NF-19) may have been too late to detect special status, annual plant species. Mitigation Measure B-5a states: *"A qualified biologist shall survey for special status plants in the spring of a year with adequate rainfall prior to initiating construction activities in a given area. If a survey cannot be conducted due to inadequate rainfall, then SDG&E shall consult with the Wildlife Agencies... to determine if construction may begin in the absence of survey data and what mitigation would be required, or whether construction would not be allowed until such data is collected."* Since the biological surveys conducted in June may not qualify as being conducted in the spring, it is recommended that SDG&E consult with the Wildlife Agencies. The CPUC biological consultant acknowledges that sticky geranium plants found during the surveys will either be protected in Environmentally Sensitive Areas (ESAs) or mitigated per Mitigation Measure B-5a. While San Diego barberry was also found, this species does not appear to be of special status at this time and may, therefore, not be subject to Mitigation Measure B-5a.
- Variance Request #29 would result in temporary impacts to coastal California gnatcatcher habitat and arroyo toad habitat. These temporary impacts are to be mitigated through the RPSV and compliance with mitigation measures for these species and their habitats, the Biological Opinion, and Special Status Species Construction Monitoring Approaches.
- The 2011 Golden Eagle Survey Report for the Sunrise Powerlink states that there was a productive golden eagle nest in 2011 on Barrett Mountain. If installation of guard structures at GS-NF-19 would occur within 4,000 feet of the eagle nest within that eagle territory, the work would be subject to Mitigation Measure B-7h, and no construction could occur December through June.
- At Caltrans highways crossings, the presence of guy wires and guard nets could result in bird and/or bat collisions with these features. As identified in the FEIR/FEIS, such collision impacts with project features would be significant and not mitigable to less than significant levels for listed species and significant but mitigable to less than significant levels for non-sensitive species or daytime migration.

Mitigation Measure B-10a (utilize collision-reducing techniques in installation of transmission lines) is required to minimize the impact. Because these wires and nets would only be in place for approximately one month, the potential for collision is limited. The significance of the impacts listed in the FEIR/EIS would not change (i.e., Class I impacts would remain as Class I impacts, Class II impacts would remain as Class II impacts, etc.) with the use of the guy wires and guard nets, and no new mitigation would be required.

Variance Request #29 does not represent substantial changes to the FEIR/FEIS or PMR and would not create new significant impacts to biological resources. Where there would be increases in impacts (e.g., to sensitive vegetation, special status species habitats), the types of impacts were already assessed in the FEIR/FEIS as Class I or Class II, so they would not present new significant impacts that would require additional CEQA/NEPA analysis. The significance of the impacts listed in the FEIR/EIS also would not change (i.e., Class I impacts would remain as Class I impacts, Class II impacts would remain as Class II impacts, etc.), and no new mitigation measures would be required. All applicable mitigation measures would still apply.

**Hydrological Resources.** Two locations have been identified as having potential impacts to jurisdictional waters (GS-USFS-1/GS-NF-11, GS-NF-26). SDG&E will delineate and establish ESAs for jurisdictional waters at these locations and avoid all impacts to these jurisdictional waters. SDG&E will install BMPs as detailed in the SWPPPs.

**Cultural and Paleontological Resources.** All areas under the request were surveyed for archaeological materials during both preconstruction fielding activities and cultural resources inventoried work for the Sunrise Powerlink Final Environmentally Superior Southern Route. The CPUC cultural consultant reviewed the request and provided review comments on October 31, 2011.

Based on the Final Paleontological Monitoring and Discovery Treatment Plan, accepted on June 17, 2010, the potential to encounter paleontological resources within the proposed guard structure locations varies from no, to low, to unknown. Drilling for direct burial pole placement for proposed guard structures will be monitored part-time at GS-USFS-1/GS-NF-11 (between CP70 and CP71) and GS-NF-32 (between EP219-1 and EP220-1).

One cultural resources site (not being disclosed for confidentiality purposes) was identified near one of the proposed work areas. Therefore, in accordance with Mitigation Measure C-01b, sites will be flagged off with temporary orange fencing and designated as ESAs. ESA buffers around the site will be established and this site will be protected as an exclusionary zone. Mitigation Measure C-01e: Implement archaeological monitoring at cultural ESAs, states that Project-wide archaeological and Native American monitors are to be on-site during the temporary fencing of ESAs. In addition, any ground disturbing activities near the designated ESA will be monitored full-time by an archaeologist and Native American monitor. Mitigation Measures set forth in the Final Historic Properties Management Plan (HPMP) will be implemented during construction.

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 Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP).

**Traffic/Sensitive Land Uses/Noise.** Traffic impacts for use of the proposed areas have been assessed. SDG&E and its contractor have coordinated with CalTrans, California Highway Patrol, San Diego County and the City of San Diego.

**Visual.** The guard structure areas are temporary and 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 for the duration of alternate access route.
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. 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. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
6. An accounting of oak tree trimming for work proposed under this variance shall be submitted to the CPUC.
7. Any temporary impacts to sensitive vegetation communities during construction from these activities shall be restored per the approved RPSV (dated March 15, 2011).
8. Rare plants at GS-NF-26 will be delineated, marked as an ESA, and avoided.
9. Since the biological surveys conducted in June may not qualify as being conducted in the spring, SDG&E will consult with the Wildlife Agencies prior to work at GS-NF-12, GS-NF-13, and GS-NF-19. Documentation of consultation must be supplied to the CPUC prior to work at these areas.
10. The 2011 Golden Eagle Survey Report for the Sunrise Powerlink states that there was a productive golden eagle nest in 2011 on Barrett Mountain. If installation of guard structures at GS-NF-19 would occur within 4,000 feet of the eagle nest within that eagle territory, the work would be subject to Mitigation Measure B-7h, and no construction could occur December through June.

11. 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.
12. Two locations have been identified as having potential impacts to jurisdictional waters (GS-USFS-1/GS-NF-11, GS-NF-26). SDG&E will delineate and establish ESAs for jurisdictional waters at these locations and avoid all impacts to these jurisdictional waters. SDG&E will install BMPs as detailed in the SWPPPs.
13. As proposed, a final accounting of impact acreages and mitigation will be prepared during the post-construction phase and provided to the CPUC and other responsible agencies.
14. SDG&E shall delineate cultural ESAs and install exclusion fencing. Project-wide archaeological and Native American monitors are to be on-site during the temporary fencing of ESAs and during ground disturbing activities near ESAs. Appropriate fencing shall be verified by the CPUC EM prior to area occupation.
15. Drilling for direct burial pole placement for proposed guard structures will be monitored part-time by a paleontological monitor at GS-USFS-1/GS-NF-11 (between CP70 and CP71) and GS-NF-32 (between EP219-1 and EP220-1).
16. 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.
17. All unanticipated cultural, paleontological, and biological discoveries shall be immediately reported to the CPUC EM.
18. All complaints received by SDG&E in regard to use of the areas, shall be logged and reported immediately to the CPUC. This includes complaints relevant to traffic, noise and dust, etc. Complaints should also be forwarded immediately to Imperial County.
19. All temporary installations shall be completely removed (wooden poles) or cut off at least three feet below ground surface. Micropiles in rock shall be cut off at the rock face and will be inspected by the CPUC EM.
20. Due to the invasive nature of the proposed complex and to ensure all approaches have been considered, SDGE is to provide documentation of coordination with Caltrans requesting a mobile guard structure set up for the wire crossing activities over Interstate 8 (I-8) in Boulevard, CA. As guard structures are a temporary project need, alternative approaches to guarding I-8 should be thoroughly investigated.
21. AT&T telecommunications may require additional grounding on their facilities. SDG&E will need to supply to the CPUC EM the dates of the AT&T grounding and a contact for AT&T prior to the start of work.

**Alan Colton, SDG&E**  
**Sunrise Powerlink Project**  
**Page 13**

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  
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