

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 3, 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 #35

Dear Mr. Colton,

On December 22, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to modify the existing access Road to Tower CP59 (Simpson Road) within Link 5 by adding a parking area, altering a turnout and improving drainage across the road (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 #35 for to modify existing access Road to CP59 (Simpson Road) 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 December 22, 2011, is presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is submitting this variance request as a modification 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. SDG&E is requesting to improve the existing road by recontouring the existing berm, replacing the undersized culvert with a rock dip section, and clearing disturbed habitat and flattening out an area for parking.

The reasons the improvements are needed include:

1. The north to south portion of the existing access road to CP59 is steep and narrow.
2. The east to west portion of the existing road was originally proposed as a parking and turnout area. In order to avoid use of the east to west portion, an alternate area has been identified for parking and turning around.

3. The improvements in the alternate area include widening a portion of the road to allow parking on the shoulder of the road, and the installation of a rock lined swale and dip section to improve drainage in the area and improve the condition of the existing road.

The proposed work area includes an existing dirt road and adjacent road shoulder approximately 450 feet southeast and downslope of structure CP59. The road was cut into a steep west and southwest facing slope. The proposed work area is composed entirely of soils previously disturbed by road grading and installation of runoff control measures. The runoff control measures include drainage swales on both the east and west sides of the existing road and 6-inch culvert that appears to have been intended to transport runoff from east to west from the existing road upslope to the east. The existing dirt road was previously incorporated into the Project survey area. The remainder of the proposed work areas (road shoulder and runoff control features) adjacent to the existing road occur within the survey buffers for all previous biological assessments.

In accordance with the Construction General Permit (CGP), the Sunrise Powerlink Project has prepared Storm Water Pollution Prevention Plans (SWPPPs) in order to mitigate erosion and prevent the transport of sediment and pollutants associated with construction materials from leaving the project site. These SWPPPs include information on the streams and jurisdictional waters that may be affected downstream from the Project and how to prevent pollution in these waters due to construction. Best Management Practices (BMPs) consistent with the **(appropriate)** SWPPP and CGP will be implemented to ensure no impacts to waters would occur. Typical BMPs include, but are not limited to, fiber rolls, silt fence, gravel bag berms, and hydromulch. Additional BMPs proposed **(for work under this variance)** include the placement of a rock-lined swale and desilting basin to control runoff from the existing road. The swales east and west of the existing roadway and the 6-inch culvert under the roadway were determined to be non-jurisdictional during the original delineation for the Project. This determination was confirmed during the 2011 assessment. Runoff control will be improved with installation of a rock-lined swale and a 30-foot dissipating dip section with rip rap.

No sensitive plants or wildlife species were observed during the original pre-construction surveys (2009 and 2010) that covered the entire proposed work area. A subsequent biological habitat assessment was performed on December 9, 2011. The proposed work area supports bare ground and disturbed habitat dominated by nonnative annuals. The area is surrounded by non-native grassland and disturbed coastal sage scrub to the north and northwest and nonnative grassland, disturbed habitat, and development to the east, south, and southwest. The disturbed coastal sage scrub, previously burned in 2007, has not fully recovered and currently supports scattered native shrubs. A small patch of dot-seed plantain, a known Quino checkerspot butterfly host plant occurs east of the grading limits on a west-facing slope above the existing roadway. However, the host plant is limited to an isolated patch on a steep slope that is not appropriate for supporting Quino populations. Additionally, the surrounding area is not known to be occupied by Quino. No nests or nesting activities were observed in the proposed work area or surrounding habitat during the 2011 assessment. In compliance with Project Mitigation Measures a pre-construction sweep will be performed by a biologist prior to any work to minimize impacts to all wildlife species. If work is initiated during the raptor or nesting bird season pre-construction nesting bird surveys will be performed in accordance the Mitigation Measures and survey protocols.

SDG&E will implement the approved 2009/2010 Weed Control Plan. As shown in the Plan's weed density map, the area proposed in this document occurs within a medium density invasive weed area.

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). Improvements to the drainage, existing road, and turnout/parking area will not impact any cultural resources.

Project activities at the proposed work area 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.

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. All areas proposed under the request were assessed during the 2009 and 2010 Project preconstruction surveys and a 2011 habitat assessment. No special status plants or wildlife were reported.

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. The swales east and west of the existing roadway and the 6-inch culvert under the roadway were determined to be non-jurisdictional during the original delineation for the Project. This determination was confirmed during the 2011 assessment. Runoff control will be improved with installation of a rock-lined swale and a 30-foot dissipating dip section with rip rap. Other BMPs may include fiber rolls and gravel bag berms. In addition, all other SWPPP and Construction Grading Plan requirements will be implemented to avoid potential impacts.

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). Improvements to the drainage, existing road, and turnout/parking area will not impact any cultural resources.

Based on the Final Paleontological Monitoring and Discovery Treatment Plan, accepted on June 17, 2010, there are no sensitive paleontological resources located near structure CP59. Work shall conform to all conditions specified in the Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP).

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. Modification of the proposed areas would be beneficial to traffic conditions on access roads.

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. 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. Work shall conform to all conditions specified in the PMDTP.
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.
11. The proposed modifications to drainage features shall occur and be completed prior to forecast precipitation events. If unanticipated precipitation occurs prior to completion of the modifications to drainage features, the CPUC shall be notified immediately and site erosion controls shall be monitored and repaired or upgraded where necessary to protect downstream areas until completion.

12. When significant precipitation events are anticipated, or have occurred, access on project roads may be suspended in order to maintain the integrity of access roads and provide for personnel safety. Access will be suspended for 24 hours following a rain event in order to allow for a dry out period. The parameters for suspending access include, but are not limited to:

- a. Rutting occurring in excess of 2 inches over a distance of 50 feet
- b. Rutting and/or soil mixing occurring on 10% of the road
- c. Rills more than 10 feet in length develop
- d. Significant soil compaction
- e. Significant soil adhesion to vehicles and construction equipment

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
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