

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



September 13, 2012

Mr. Bob Jackson  
General Manager & Director  
Construction & Engineering  
Sunrise Powerlink Transmission Project  
1010 Tavern Road  
Alpine, CA 91901

RE: SDG&E Sunrise Powerlink Transmission Line Project – Variance Request #43

Dear Mr. Jackson,

On September 5, 2012, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to leave in place Sunrise Powerlink Project improvements at five construction yards to accommodate landowner requests (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 #43 to leave Sunrise Powerlink Project improvements at five construction yards to accommodate landowner requests is granted by CPUC based on the factors described below.

**SDG&E Variance Request.** Excerpts from the SDG&E Variance Request, received September 5, are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a variance to the FEIR/EIS issued October 2008 and the PMR approved on September 22, 2010, by the CPUC to leave a small number of Sunrise Powerlink Project (Project) improvements **(at five construction yards: Bartlett/Hauser, El Monte, Helix, Kreutzkamp and Sycamore)** in place, in accordance with landowner requests.

Construction activities required to complete closeout of these sites and access to these sites will continue to be on approved Project roads and all 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 MMCRP, PMR, and approved plans and permits for specific types of activities.

### ***Biological Resources***

Biological habitat assessments of these construction yards were conducted during preconstruction sensitive species surveys for the Sunrise Powerlink Final Environmentally Superior Southern Route. Any observed sensitive plant or wildlife species will be noted in the individual discussions below.

### ***Cultural and Paleontological Resources***

These areas were surveyed for archaeological materials during both pre-construction fielding activities and systematic cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route. There were no cultural resource sites or features found. The proposed work areas will not impact any NRHP/CRHR eligible sites. The areas are not within geological deposits with the potential for paleontological discoveries. There is no potential for impacts to paleontological resources from the proposed activities.

### ***Bartlett/Hauser Construction Yard***

Landowner Request: SDG&E will meet the stabilization requirements in accordance with the Construction General Permit to achieve SWPPP closeout and leave fencing (with slats).

Reason for Request: Landowner has requested to use this fenced area for livestock. The Bartlett/Hauser Construction Yard was used for pasture and dominated by a mixture of non-native annual grasses and native and non-native perennial forbs prior to Project construction. In addition, a stand containing approximately eight mature coast live oak trees was present within the fenced limits of the yard. During Project construction, ESAs were established around the canopy drip lines of the oak trees that prevented grading, soil compaction, or any other construction activities within the ESAs to prevent direct or indirect impacts to the trees. Under the proposed variance, these ESA areas will not require soil stabilization or seeding; however, all other areas within the fenced limits of the construction yard will be decompacted, disced, and stabilized with an application of hydromulch composed of Bonded Fiber Matrix (BFM). These site treatments will ensure that soil conditions are favorable for the development of an annual grass-dominated pasture that will provide forage and prevent stormwater erosion onsite.

### ***El Monte Construction Yard (Hartung Ranch)***

Landowner Request: SDG&E will meet the stabilization requirements in accordance with the Construction General Permit to achieve SWPPP closeout, leave fencing and gates, and remove all imported rock at the entrance to the yard.

Reason for Request: Landowner has requested to use this fenced area for livestock. The El Monte Construction Yard on the east end of Hartung Ranch was used for pasture and dominated by non-native annual grasses prior to Project construction. This pasture is located immediately adjacent to dense stands of coast live oak woodland that occupy the San Diego River floodplain to the south of the yard. Project use of the pasture did not result in any direct or indirect impacts to coast live oak woodland, although several coast live oak trees were trimmed to facilitate equipment passage onto the property. Under the proposed variance the yard will be decompacted, disced, and stabilized with an application of hydromulch composed of Bonded Fiber Matrix (BFM). These site treatments will ensure that the site soils are adequately stabilized, compliance with the Construction General Permit will be achieved for SWPPP closeout, and the site can be returned to pasture by the owner.

### ***Helix Construction Yard***

Landowner Request: SDG&E will meet the stabilization requirements in accordance with the Construction General Permit to achieve SWPPP closeout, leave fencing with some slats in place but remove tarps, and leave gravel/rock base in its current position on site.

Justification: The condemnation settlement and right of entry agreement specifically states that “[a]t Owner’s election, and subject to any required approval of any regulatory agency having jurisdiction over the Subject Property, Owner may not require restoration.” The Helix Construction Yard was highly disturbed and dominated by a variety of non-native and invasive grasses, forbs, and shrubs prior to Project construction. The yard is located on the historic floodplain of the San Diego River and has been physically disturbed (e.g., excavated, filled, compacted, and burned) multiple times in the recent past. Under the proposed variance, the rock base material in the former helicopter landing area will be preserved, and the remaining areas of the yard will be decompacted, disced, and stabilized with an application of hydromulch composed of Bonded Fiber Matrix (BFM). These site treatments will ensure that the site soils are adequately stabilized and compliance with the Construction General Permit will be achieved for SWPPP closeout.

***Kreutzkamp Construction Yard***

Landowner Request: SDG&E will meet the stabilization requirements in accordance with the Construction General Permit to achieve SWPPP closeout and leave fencing and rock.

Reason for Request: Landowner has requested to use this fenced area for livestock. The Kreutzkamp Construction Yard was used for pasture and dominated by non-native grasses and forbs prior to Project construction. Under the proposed variance, the yard will be decompacted, disced, and stabilized with an application of hydromulch composed of Bonded Fiber Matrix (BFM). These site treatments will ensure that the site soils are adequately stabilized, compliance with the Construction General Permit will be achieved for SWPPP closeout, and the site can be returned to field/pasture by the owner.

***Sycamore Construction Yard***

Landowner Request: SDG&E will meet the stabilization requirements in accordance with the Construction General Permit to achieve SWPPP closeout and leave the fencing that faces Stonebridge Parkway in place for security reasons.

Reason for Request: Maintain site security. The Sycamore Construction Yard was previously graded and included an asphalt road and adjacent unimproved dirt roads. The adjacent slopes at the outer edges of the yard are dominated by non-native annual grassland (in disturbed areas) and native chamise chaparral and coastal sage scrub vegetation communities. Under the variance, the unpaved areas of the yard disturbed by Project construction will be decompacted, disced, and stabilized with an application of hydromulch composed of Bonded Fiber Matrix (BFM) and a SWPPP seed mix composed of native annual grasses and forbs. These site treatments will ensure that soil conditions are favorable for the development of native vegetation and prevent stormwater erosion onsite.

**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.

On August 10, 2012 SDG&E met with the CPUC in San Francisco to discuss several outstanding Sunrise Project items including construction yards and landowner requests. SDG&E presented a number of yards where landowners would like Project improvements to remain in place. On August 17, 2012 the CPUC sent SDG&E a letter documenting the meeting notes and requested that additional information be submitted regarding the landowner requests. On September 5, 2012 SDG&E submitted a letter dated September 10, 2012 and Variance Request #43 which provided further details regarding the construction yards and associated landowner requests. The variance request contained attachments verifying the landowner request documentation and the Helix Yard lease agreement as required by the August 17, 2012 CPUC letter.

**Biological Resources.** The area proposed under the request was assessed during the 2009 and 2010 Project preconstruction surveys. The CPUC consulting biologist provided review comments/concurrence on September 12, 2012, and had no concerns since the areas that would not be restored as a result of the landowner requests are quite small and SDG&E has secure mitigation lands that will easily compensate for the loss of these minor habitat areas.

**Hydrological Resources.** No concerns are noted.

**Cultural and Paleontological Resources.** These areas were surveyed for archaeological materials during both pre-construction fielding activities and systematic cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route. There were no cultural resource sites or

features found. The proposed work areas will not impact any NRHP/CRHR eligible sites. The areas are not within geological deposits with the potential for paleontological discoveries. There is no potential for impacts to paleontological resources from the proposed activities.

Given the documentation of no known resources and the fact that the proposed variance will not create any additional ground disturbance beyond what has already been approved by NTP # 13 no concerns are noted.

**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 including the construction General Permit and conditions of NTP #13 shall be implemented with the exception of the restoration/removal of specific site improvements to the five construction yards as detailed above.
2. SDG&E shall stabilize all areas to SWPPP closeout standards as required in the Project approved SWPPP documents and as specifically described for each yard as detailed in the Variance #43 request and found above in the SDG&E Variance Request section.
3. 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*

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  
Vida Strong, Aspen Environmental Group  
Anne Coronado, Aspen Environmental Group