Worksheet

Determination of NEPA Adequacy (DNA)

Sunrise Powerlink Project

Micrositing Modification Request to Approved Project as Modified by the PMR

U.S. Department of the Interior

Bureau of Land Management

February 2012

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OFFICE: El Centro Field Office

TRACKING NUMBER: DOI-Control No. DES-07-58

CASE FILE/PROJECT NUMBER: CACA-47658

DOI-BLM-CA-D070-2012-0038-DNA

PROPOSED ACTION TITLE/TYPE: The proposed action is a set of micrositing changes to the approved project, the Final Environmentally Superior Southern Route (FESSR) of the Sunrise Powerlink Transmission Project as modified in the Project Modification Report (PMR) and in the Changes identified in the DNA dated March 2011, in the DNA dated August 2011, and in the DNA dated December 2011, and as analyzed in the Final EIR/EIS and Associated Amendment to the Eastern San Diego County Resource Management Plan (RMP) for a single utility crossing in the McCain Valley. These changes include placement of temporary concrete anchor blocks at Structures EP53-3, EP75-2, and EP144 and a modification to the vegetation clearance restrictions in Mitigation Measure B-8a pertaining to clearance of vegetation during the general avian breeding season which began January 15 for the placement of the temporary concrete anchor blocks. The micrositing has been proposed since the PMR approval and DNA dated December 2011 as a result of efforts to further increase safe working conditions for the leg erection crews as they provide tower leg stability. In light of SDG&E's experience erecting towers in areas where guy wires attached to steel anchors are insufficient to meet safety requirements, temporary concrete block anchors are necessary to ensure the safety of the public and erection crews. SDG&E had a safety concern arise while attempting to confine the concrete block anchors within the 100- x 100-foot approved work area for the towers. For this reason, SDG&E is requesting the project micrositing change to allow the anchor blocks to be placed outside the tower work area. Placement of the tower blocks would require clearance of vegetation at the block locations during the general avian breeding season. Please note that a

parallel request was made to the California Public Utilities Commission (CPUC) for locations on private lands and is being addressed under Variances 36 and 37.

LOCATION/LEGAL DESCRIPTION: The Sunrise Powerlink Transmission Project is a 500 kV electrical transmission line from Imperial Valley Substation to a newly-constructed 500/230 kV Suncrest Substation that was identified in the Final EIR/EIS (called Modified Route D Alternative Substation in the Final EIR/EIS), a distance of approximately 92.53 miles. The right-of-way also granted SDG&E the right to use the described public lands to construct, operate, maintain and terminate a 230 kV electrical transmission line from the Suncrest Substation to Sycamore Canyon Substation, located in San Diego. For the first 36 miles of the Selected Alternative (approved project), the 500 kV transmission line will be built on BLM lands adjacent to the existing Southwest Powerlink 500 kV line. The approved project crosses approximately 49 miles of BLM land, 19 miles of Forest Service land, two miles of Department of Defense land, and 0.4 miles of state land. The remainder of the line crosses lands in various ownerships, including private and local agencies.

The proposed micrositing to the approved project follows the approved route of the Sunrise Powerlink Transmission Project, as defined in the Final EIR/EIS and modified in the PMR and DNA dated March 2011, DNA dated August 2011, and DNA dated December 2011, and would not substantially change the location of the approved project. All micrositing changes are within or less than 30 feet from the approved project right-of-way (ROW) as modified by the PMR (approved September 2010) and changes identified in the DNA (March 2011, August 2011, December 2011).

APPLICANT: San Diego Gas and Electric Company

A. Description of the Action and any applicable mitigation measures

Proposed Changes to the approved Sunrise Powerlink Transmission Project as modified by the Project Modification Report (approved September 2010)

Approved Project Components

The Sunrise Powerlink Transmission Project FESSR, as defined in the Final EIR/EIS and approved in the ROD, is a combination of alternatives and route segment options. The ROD for the approved project adopted the mitigation recommended in the Final EIR/EIS and incorporated it as terms and conditions in the right-of-way grant. Although the ROD applies only to the BLM-administered public lands within the Selected Alternative, the same mitigation was incorporated in the California Public Utilities Commission's (CPUC) approval of the project.

In September 2010, the BLM published a Determination of NEPA Adequacy for the modifications proposed by SDG&E in the Project Modifications Report (May 2010). The BLM determined that the modifications to the Sunrise Powerlink Project were within the scope of the Record of Decision issued by the BLM. In March 2011, August 2011, and December 2011, the BLM published Determination of NEPA Adequacy for additional changes proposed by SDG&E. The BLM determined that the modifications to the Sunrise Powerlink Project were within the scope of the Record of Decision issued by the BLM. For additional information on project components on lands not managed by the BLM, please see the CPUC's website at:

http://www.cpuc.ca.gov/environment/info/aspen/sunrise/sunrise.htm

Additional Project Micrositing Modifications Requested

A number of mitigation measures or safety requirements incorporated as right-of-way terms and conditions required SDG&E to continue to attempt to avoid resources and minimize environmental impacts in the final engineering and design for the approved project. Implementation of these mitigation measures and the need to ensure crew safety have resulted in further proposed micrositing changes, beyond those approved in the PMR and approved DNA. The measures resulting in additional changes include the following applicant proposed measures designed to ensure the safety of the construction crew:

Mitigation Measure for Public Health and Safety/Hazardous Materials

HS-APM-8: SDG&E will assign Environmental Field Representative and/or General Contractor assigned Health & Safety Office to the project. (pg. B-116, FEIR/EIS 2008)

OSHA Standards listed in Title 29 CFR Part 1910 (pg. D.10-10, FEIR/EIS 2008)

CAL OSHA Standards listed in Title 8 Code of California Regulations (pg. D.10-12, FEIR/EIS 2008)

In compliance with these mitigation measures and regulations and based on final engineering and design, SDG&E has identified proposed micrositing changes to the approved project. These changes are described in Table 1. These include placement of temporary concrete block anchors at structures EP53-3, EP75-2, and EP144, and a modification to the vegetation clearance restrictions for the placement of the temporary concrete block anchors identified herein. The proposed changes to the approved project are described in Micrositing Request Form dated February 8, 2012 and are shown in the Micrositing Modification Map book, of the Micrositing Request Form. Table 1 describes each of the specific proposed changes by segment. As each change is minor and occurs at a specific tower location, they have been identified by the tower number. Table 1 also defines the measure or standard (by number only) that required each change to be made.

The placement of temporary concrete block anchors results in minimal, temporary impacts associated with surface disturbance that would be limited to approximately 12.5 square feet per block (2.5 feet x 5 feet rectangular blocks). Each concrete block anchor weighs 4,500 pounds and would be set in place by a helicopter. As an example of anticipated trips, 8 blocks per site would require 8 trips in and 8 trips out. The blocks are set in the exact location they are needed by helicopter. After the legs of the tower are erected, the blocks are picked up and removed from the site by helicopter. A typical timeline would be that the blocks are flown in one day, the legs are flown in the following day and attached, and the blocks are flown out immediately or as soon as it is determined to be safe and the legs are secure.

Jurisdictional Waters as Regulated under the Clean Water Act and Refueling and Equipment Storage in or within 200 feet

Clean Water Act authorizations, including the Federal Section 404 permit, 401 certification, and – to a lesser degree – the Lake or Streambed Alteration Agreement (LSAA) include provisions that prohibit refueling or equipment storage within jurisdictional waters. The Department of the Army, ACE 404 Nationwide Permit includes conditions that prohibit potential pollutants within 200 feet ACE jurisdictional waters.

None of the modifications would require refueling or equipment storage within jurisdictional waters. There are no jurisdictional waters in the proposed work areas for the anchor blocks.

Table 1. Proposed Changes Resulting From Implementation of Mitigation

Project Segment	Mitigation Measures Requiring Proposed Changes	Proposed Change Location	Description of Proposed Change
Modified Route D Alternative, including the Modified Route D Alternative Substation	• Cal OSHA Standards Title 8 CCR	Segment 8	**Placement of temporary concrete anchor blocks at Structures EP53-3 and and EP 75-2 and an exception to vegetation clearance restriction at the concrete blocks sites:** SDG&E is requesting to install and utilize temporary concrete block anchors during construction of towers at certain sites. For EP 53-3, two of the concrete block anchors would be within the approved ROW and two would be on the edge or just outside (less than 30 feet) outside the ROW. For EP75-2, all of the concrete block anchors would be located within the approved ROW. All concrete anchor blocks would be located less than 100 feet from the approved Structure Pad Area for EP53-3 and EP75-2.
Modified Route D Alternative, including the Modified Route D Alternative Substation	• Cal OSHA Standards Title 8 CCR	Segment 9	**Placement of temporary concrete anchor blocks at Structures EP144 and an exception to vegetation clearance restriction at the concrete blocks sites:** SDG&E is requesting to install and utilize temporary concrete block anchors during construction of towers at certain sites. For EP144, three of the concrete block anchors would be within the approved ROW and one would be on the edge of the ROW. All concrete anchor blocks would be located less than 100 feet from the approved Structure Pad Area for EP144.

Per the request, the proposed modifications will result in impacts to an additional 150 square feet, 0.0034 acres, of BLM lands, approximately 12.5 square feet per block of temporary impacts. 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), BLM's ROD and PMR DNA, and approved plans and permits for specific types of activities.

Per the request, the proposed modifications will result in additional permanent impacts to 0.0034 acres of sensitive vegetation communities on BLM lands. The impacts are to Diegan coastal sage scrub, northern mixed chaparral, Chamise chaparral, southern mixed chapparal, and flat-topped buckwheat scrub. Placing of the anchor blocks may require no trimming or removal of woody vegetation at locations that are relatively open, but in some instances, due to the density of vegetation at anchor points, work activities will require trimming or breaking branches or crushing existing vegetation.

Temporary and permanent impacts will be minimized, monitored, and mitigated in accordance with the same measures that apply to impacts to sensitive vegetation at other sites. These measures include restoration of vegetation within temporary impact areas as per the Restoration Plan for Sensitive Vegetation (RPSP) and offsite conservation at the ratios specified per type of vegetation and impact. Offsite conservation will occur at the mitigation sites identified in the September 2010 Habitat Acquisition Plan and Habitat Management Plan (HAP/HMP). SDG&E has acquired and/or provided financial assurances for the conservation of all of the properties identified in the HAP/HMP.

The proposed Project modifications on BLM lands will result in additional impacts to habitats of two special status species: the Quino checkerspot butterfly (QCB) and the arroyo toad.

All of the changes are located on land previously surveyed for the approved project as modified by the PMR. Habitat assessment surveys were conducted in February 2012. Pre-construction surveys for special status plant species occurred in the spring of 2009 and 2010. SDG&E consulted with the wildlife agencies and gained concurrence that the previous surveys meet the requirements of Mitigation Measure B-5a. No sensitive plants were observed during the rare plant surveys or the habitat assessment.

B. Land Use Plan (LUP) Conformance

LUP Name California Desert Conservation Area Plan Date Approved 1980, as amended

LUP Name Eastern San Diego County RMP Date Approved 2008, as amended

- *List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

California Desert Conservation Area Plan, 1980 as amended. BLM lands in the California Desert District are managed pursuant to the *California Desert Conservation Area Plan (CDCA Plan, 1980 as amended*). The Energy Production and Utility Corridor Element of the CDCA Plan established a network of joint-use planning corridors intended to meet the projected utility service needs at the time the Plan was written. The CDCA Plan, 1980 as amended applies to that portion of the approved project (as amended by the PMR) and the current proposed changes to the approved project situated on public lands administered by the BLM in Imperial County.

Eastern San Diego County Resource Management Plan (2008). Like the approved project (the FESSR as revised by the PMR and DNA changes dated March 2011 and August 2011), the proposed changes to the approved project traverse the BLM El Centro Field Office's Eastern San Diego County Management Area. New transmission line towers and cables 161 kV and above are required to be located within a single designated utility ROW (the SWPL corridor) one mile wide and between one and 1.5 miles in length encompassing 960 acres of BLM-administered land within the planning area. Since the FESSR would be partially located on public lands outside of the designated utility corridor, it required a Plan Amendment. The ROD

for the project amended the Eastern San Diego County RMP to allow for a one-time exemption for the Sunrise Powerlink Project (as approved and defined as the FESSR).

Some of the micrositing changes to the approved project on BLM-administered land in Eastern San Diego County would involve siting the concrete anchor blocks less than 30 feet outside of the right-of-way. The proposed changes are in conformance with the land use plan because they were designed to improve crew safety and would not result in further impacts to sensitive resources as provided for in the FESSR under the mitigation listed in Table 1 and required in the ROD.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

- *Draft Environmental Impact Report/Environmental Impact Statement and Proposed Land Use Amendment*, San Diego Gas & Electric Company Application for the Sunrise Powerlink Project, SCH No. 2006091071, DOI Control No. DES-07-58, CPUC and BLM (January 2008).
- *Recirculated Draft Environmental Impact Report/Supplemental Environmental Impact Statement and Proposed Land Use Amendment,* San Diego Gas & Electric Company Application for the Sunrise Powerlink Project, SCH No. 2006091071, DOI Control No. DES-07-58, CPUC and BLM (July 2008).
- *Final Environmental Impact Report/Environmental Impact Statement and Proposed Land Use Amendment*, San Diego Gas & Electric Company Application for the Sunrise Powerlink Project, SCH No. 2006091071, DOI Control No. DES-07-58, CPUC and BLM (October 2008).
- *Record of Decision for the Sunrise Powerlink Transmission Project and Associated Amendment to the Eastern San Diego County Resource Management Plan*, CACA 47658, BLM (January 2009)
- *Determination of NEPA Adequacy.* Prepared by the BLM for the Sunrise Powerlink Project, Project Modifications (September 2010).

- *Determination of NEPA Adequacy.* Prepared by the BLM for the Sunrise Powerlink Project, Changes (March 2011).

- *Determination of NEPA Adequacy.* Prepared by the BLM for the Sunrise Powerlink Project, Micrositing Changes (August 2011).

- *Determination of NEPA Adequacy.* Prepared by the BLM for the Sunrise Powerlink Project, Micrositing Changes (December 2011).

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

- *Biological Assessment for the Sunrise Powerlink Project.* Prepared by San Diego Gas and Electric Company, Ebbin Moser + Skaggs LLP, ICF Jones & Stokes, KP Environmental, John Messina, TRC Companies, Inc., Wildlife International, (November 2008)

- *U.S. Fish and Wildlife Service Biological Opinion Sunrise Powerlink Project 2009,* Carlsbad Fish and Wildlife Office (January 2009)

- *U.S. Fish and Wildlife Service Biological Opinion Sunrise Powerlink Project 2010,* Carlsbad Fish and Wildlife Office (November 2010)

- *Programmatic Agreement Among the Department of the Interior, Bureau of Land Management, the Department of Agriculture, Forest Service, the Marine Corps Air Station Miramar, the U.S. Army Corps of Engineers, the California Public Utilities Commission, San Diego Gas and Electric Company, and the California State Historic Preservation Officer Regarding the Proposed San Diego Gas and Electric Power Company's Sunrise Powerlink Transmission Line Project, Imperial and San Diego Counties, California* (December 2008)

- *Final Mitigation Monitoring Compliance and Reporting Plan San Diego Gas & Electric Company's Sunrise Powerlink Project* . (April, 2010). A number of pre-compliance reports, permit applications, and other documents are available at the CPUC website that are part of the construction progress and mitigation monitoring at <http://www.cpuc.ca.gov/environment/info/aspen/sunrise/otherdocs.htm>

- *Project Modification Report.* Prepared by San Diego Gas and Electric Company (May 2010)
- *Sunrise Powerlink Project Modifications Report Memorandum.* Prepared by the CPUC and BLM (September, 2010).Amendment to Corps 404 NWP12 (SPL-2007-00704-SAS
- SWRCB 401 certification (SB09015IN), 401 Amendment (October, 2011)
- CDFG Lake and Streambed Alteration Agreement (1600-2009-0365-R5)
- Sunrise Powerlink Nest Survey Protocol, April 2011

D. NEPA Adequacy Criteria

1A. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)?

YES. As stated above, the proposed micrositing changes to the approved project as revised by the PMR and DNA's dated March 2011, August 2011, and December 2011 are minor changes that would include extra workspace for concrete anchor blocks which are essentially the same as the alternatives analyzed in the existing Final EIR/EIS (Sections E.1, E.2, and E.4) as modified by the PMR and DNAs dated March 2011, August 2011, and December 2011. The changes detailed in Table 1 would function the same way as the FESSR and its associated equipment as evaluated in the Final EIR/EIS. The micrositing of the anchor blocks would not materially change the overall alignment of this transmission line, the location of the line or the towers, or the analysis area. All are within 30 feet of the approved project ROW and most of the anchor block sites are within the ROW itself and would reduce impacts to worker safety. The vegetation clearance extension would be required for the proposed anchor blocks and would be subject to the conditions described in Section 2.

1B. Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)?

The proposed changes to the approved project are within the same geographic area as the approved project as modified by the PMR, DNA's dated March 2011, August 2011, and

December 2011, and the resource conditions are substantially the same as those analyzed in the Final EIR/EIS. This fact is confirmed by the close proximity of the proposed changes and the approved route and because the habitat of the micrositing changes and the proposed route is essentially the same. The proposed changes on public lands requiring the anchor blocks are within the same CDCA utility corridor as those of the approved project. All the micrositing changes are within the approved project ROW or within 30 feet of the approved project ROW.

1C. If the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)?

As noted above, the proposed micrositing changes to the approved project do not substantially change the project location. To the extent that the concrete anchor blocks are not within the structure pad area, they are within 100 feet of the area and the changes are not substantial and would be sufficiently similar to those analyzed in the Final EIR/EIS. In particular, the geographic and resource conditions in the areas where the changes would take place are virtually the same as those of the approved project, and the concrete anchor blocks would reduce impacts to worker safety as required under OSHA and CalOSHA regulations.

1D. If there are differences to geographic and resource conditions, can you explain why they are not substantial?

Differences to geographic and resource conditions are not substantial because only minor shifts are proposed in the locations of project infrastructure and these shifts reduce impacts to worker safety as required by the mitigation measures listed above and included in the ROD.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

YES. The project changes are within the range of alternatives evaluated in the Final EIR/EIS as explained below.

Concrete Anchor Blocks. As detailed in Table 1, the following proposed changes to the approved alignment as modified by the PMR are components of alternatives that were evaluated in the Final EIR/EIS:

- Proposed changes to Segments 8 and 9 are within the Modified Route D Alternative, including the Modified Route D Alternative Substation, the Cameron Reroute, Pacific Crest Trail (PCT) Option A, Western Modified Route D Alternative (MRDA) Reroute, and Star Valley Option Revision. Each of these alternative segments was analyzed in Section E.4.2 through E.4.15.

Additional Conditions of Approval.

- Compliance with the MMCRP, BO and all other approved project documents and permits.

- Impacts to nesting birds could occur and SDG&E is requesting a modification to the vegetation clearance restrictions in Mitigation Measure B-8a because the use of the concrete blocks would require vegetation clearance during the nesting season. Please note that a 'Nest Survey Protocol' was approved by BLM, CPUC, USFWS and CDFG in April 2011. Helix the BLM biological consultant further clarified protocol requirements in coordination with SDG&E. These clarifications were proposed to and approved by USFWS and CDFG on February 8, 2012. Because of this request, the following conditions are required:

  1) All of the conditions below apply to the DNA and to the 2012 avian nesting season only.

  2) SDG&E shall conduct avian nest surveys in accordance with the NBMMP survey buffers and at, or within, 7 days of initiation of vegetation clearing. On the first day of vegetation clearing and for each day of clearing during the breeding season, the Biological Monitor will perform daily sweeps to look for resources, including nesting birds.

  3) From now through February 14, 2012, a scientifically supported vegetation analysis shall be submitted as part of the Nest Survey Report (NSR). The NSR shall provide quantitative information about the vegetation in the area to be cleared as well as within the required 100-foot survey buffer. The information shall include, but not necessarily be limited to, the method of vegetation analysis; the types of vegetation

communities present; dominant plant species; percent cover of woody, perennial vegetation; percent cover of annual plant species/grasses; vegetation heights; whether the vegetation is evenly distributed or occurs in clumps (or both); and any other information related to the potential for avian nesting (e.g., the presence of potential nest cavities in trees or rocks). For the area beyond the 100-foot survey buffer and out to the 500-foot survey buffer, the vegetation and potential nesting substrates shall be qualitatively described. The vegetation analysis may be conducted in conjunction with the avian nest survey provided the Avian Biologists are proficient in conducting such an analysis.

4) If no avian nests are found in the area to be cleared or within the required survey buffers, the proposed vegetation clearing may occur (pending CPUC Biologist and/or Wildlife Agency concurrence with the results of the NSR including the vegetation analysis) despite the percent perennial vegetative cover.

5) If an avian nest is found within an area to be cleared, a buffer (per the NBMMP) shall be established around the nest, and no clearing or other work shall occur in the buffer until the nestlings have fledged or until it has been determined by an Avian Biologist that the nest is closed.

6) If an avian nest is found outside the area to be cleared but within the approved buffer described in the NBMMP for that species, a Nest Buffer Justification form shall be submitted to the CPUC Biologist for review and concurrence if SDG&E proposes any work, including vegetation clearing, within that buffer.

7) From February 15, 2012 through the end of the 2012 avian nesting season, all vegetation clearing shall be subject to the same vegetation analysis requirements described in Condition 3 above. Conditions 1 through 2 and 4 through 6, above, shall also apply to the period February 15, 2012 through the end of the 2012 avian nesting season with the exception of the percent perennial vegetative cover described in Condition 4. From February 15, 2012 through the end of the 2012 avian nesting season, the CPUC/Wildlife Agencies will place special consideration on vegetation clearing requests for sites with greater than 15 percent perennial vegetative cover. These requests will only be considered for approval if SDG&E can

sufficiently demonstrate through the NSR that a complete assessment of the nesting status of the site to be cleared has been made. SDG&E shall not conduct the nest survey in such a way as to disrupt the behavior of any birds in the survey area (e.g., by using too many avian biologists to conduct the survey), and the NSR must include an explanation as to why the avian biologists believe that they were able to detect all nests (if any) despite the greater level of vegetative cover.

8) The removal of trees, large shrubs, or any vegetation that has the potential to support raptor or owl nests will not be allowed as part of this DNA.

- Weed Control Plan shall be implemented.
- Restoration Plan for Special Status Plants (RPSP) will be implemented.
- A 15 mile per hour speed limit on unpaved roads shall be implemented.
- Any ground disturbing activities associated with EP53-3 realignment shall be monitored by a Quino-permitting biologist. The biologist will inspect the host plants and surrounding area for larvae and adults one day prior to and during the block placements.
- Protective flagging or other markers for ESAs for sites SDI-8440 and SDI-19864 will be erected.
- Any ground disturbing activities (including the concrete block anchor placement work) near designated ESAs will be monitored full-time by an archaeologist. Measures set forth in the Final Historic Properties Management Plan (HPMP) shall be implemented during construction.
- Identification and evaluation efforts for the Sunrise Powerlink project are described in the report titled *Class III Inventory of the Cultural Resources within the Approved San Diego Gas & Electric Sunrise Powerlink Final Environmentally Superior Southern Route, San Diego and Imperial Counties, California* prepared by ASM Affiliates (Arlene Garcia-Herbst et al, June 2010). Based on the above documentation, the PA, the HPMP and the BLM Record of Decision, the following actions are required as part of issuance of a NTP for the above requests:

    - C-1b: Avoid and protect potentially significant resources

- C-1e: Monitor construction at known Environmentally Sensitive Areas (ESAs) - The HPMP provides additional procedures and requirements.
- C-2a: Properly treat human remains - The HPMP provides additional procedures and requirements.
- C-5a: Protect and monitor NRHP- and/or CRHR-eligible properties- The HPMP provides additional procedures and requirements.
- CR-APM-05: Follow procedures for inadvertent discoveries – The HPMP and the Historic Properties Treatment Plan document these procedures and requirements.
- SDG&E will also continue to comply with Cultural Resources mitigation measures as outlined in the MMCRP.

Environmentally sensitive area (ESA) buffers around sites within 50 feet of construction activities will need to be established and these sites protected as exclusionary zones. Currently there are 4 archaeological sites within 50 feet of one of the proposed concrete block locations. All work near these sites, SDI-8440, SDI-19813, SDI-19864, and SDI-6616A, will require archaeological and Native American monitors to be on-site during the temporary fencing and other construction activities.

3A. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)?

Since the issuance of the ROD for the Sunrise Powerlink Project, new information or circumstances includes:

- The Bald and Golden Eagle Protection Act (September 2009) and new interim bald and golden eagle inventory and monitoring protocols and other recommendations,
- New critical habitat for arroyo toad,
- New critical habitat designation for the Quino checkerspot butterfly (QCB).

The terms of the Record of Decision, the Right-of-Way grant, and the Biological Opinion, for the Sunrise Powerlink Project require re-initiation of consultation if the re-initiation criteria of the

regulations are met. Consequently, new regulatory circumstances caused the BLM to reinitiate consultation under the Federal Endangered Species Act. While Section 7(d) of the Endangered Species Act prohibits the agency and the permit applicant from making certain commitments of resources during the pendency of the consultation, the mere act of re-initiation does not require supplementation of the EIR/EIS. In November 2010, the U.S. Fish and Wildlife Service reissued the Biological Opinion on the Sunrise Powerlink Project to address these new information or circumstances.

The U.S. Fish and Wildlife Service Biological Opinion Sunrise Powerlink Project 2010 concluded that the Project within stipulated thresholds would not likely jeopardize the continued existence of five listed species Quino checkerspot butterfly (*Euphydryas editha quino*); arroyo toad (*Anaxyrus californicus*); least Bell's vireo (*Vireo bellii pusillus*); coastal California gnatcatcher (Polioptila californica californica); and Peninsular bighorn sheep (*Ovis canadensis nelsoni*) or adversely modify designated or proposed critical habitat of four species (coastal California gnatcatcher, Quino checkerspot butterfly, arroyo toad and Peninsular bighorn sheep). Additionally, the Biological Opinion concluded that the Project would not likely jeopardize the continued existence of one species at that time was proposed to be listed, flat-tailed horned lizard (*Phryhosoma mcallii*).

Although addressed in the 2009 biological and conference opinion, the San Diego thornmint (*Acanthomintha ilicifolia*) was excluded from evaluation in the revised biological and conference opinion (2010) due to the current determination that the Sunrise Powerlink Project is "not likely to adversely affect" the San Diego thornmint based on updated survey information.

As discussed below, none of these new regulatory circumstances affect the validity of the EIR/EIS as it relates to the proposed micrositing changes to the approved project and as modified by the PMR. Only the species where habitat is directly impacted by modifications under the current request will be discussed. A summary for Quino checkerspot butterfly and arroyo toad is provided below.

Quino Checkerspot Butterfly. The Final EIR/EIS determined that the approved project would have permanent impacts to 19.20 acres of 2002 critical habitat for the Quino checkerspot butterfly (QCB) and temporary impacts to 55.72 acres of 2002 critical habitat for the QCB and required appropriate mitigation. After the completion of the Final EIR/EIS, additional surveys

have been performed in compliance with mitigation and 2009 critical habitat for QCB was revised and re-designated in 2009. The approved project would have permanent impacts to 47.62 acres (11.46 critical habitat, 36.16 occupied habitat) and temporary impacts to 101.69 acres (16.93 critical habitat, 84.76 occupied habitat). Analysis shows that the approved project as amended by the PMR would result in 19.61 acres of permanent impacts to QCB habitat (4.45 acres of 2009 critical habitat and 15.16 acres of occupied habitat, which is former 2002 critical habitat). Temporary impacts would occur to 19.08 acres (1.59 acres of 2009 critical habitat and 17.49 acres of occupied habitat, which is former 2002 critical habitat). The following changes detailed in Table 1 have the potential to support QCB:

- Temporary concrete anchor blocks at Structure EP53-3: approximately 0.001 acres of new temporary impacts to (USFWS designated) QCB Occupied Habitat.

The approved project as amended by the PMR along with the impacts from areas as considered under the August 2011 and December 2011 DNA in addition to acreage proposed under the current modification request would result in permanent impacts to 20.20 acres of QCB habitat (4.45 acres of 2009 critical habitat and 15.75 acres of occupied habitat, which is former 2002 critical habitat). Temporary impacts would occur to 19.381 acres (1.59 acres of 2009 critical habitat and 17.791 acres of occupied habitat, which is former 2002 critical habitat). Permanent impacts are less than those presented in the EIR/EIS and temporary impacts are less than impacts presented in the EIR/EIS. SDG&E has also submitted numerous variance requests to the CPUC for actions on non-federal lands. Minor habitat impacts have occurred however cumulative impacts remain less than those defined under the EIR/EIS.

Mitigation adopted from the Final EIR/EIS requires SDG&E reduce impacts both to sensitive habitats and sensitive wildlife species consistent with the Final EIR/EIS and no additional NEPA review is required.

Arroyo Toad. No designated critical habitat for the arroyo toad was in place in San Diego County at the time the Final EIR/EIS was published and the ROD issued. Impacts to the arroyo toad were analyzed based on identification of "suitable habitat" which allowed appropriate assessment of effects to the species. The analysis is presented under Impact B-7K: Direct or indirect loss of arroyo toad or direct loss of habitat in Section E.1.2, E.2.2, and E.4.2. Impacts to the arroyo toad and its habitat were assessed in the EIR/EIS, were determined to be adverse

and mitigation was required to avoid or minimize the impact (Mitigation Measure B-7j Conduct arroyo toad surveys, and implement appropriate avoidance/minimization/compensation strategies). This measure was identified in the Final EIR/EIS and would also apply to all proposed changes to the approved project. The following changes detailed in Table 1 have the potential to impact arroyo toad:

- Temporary concrete anchor blocks at Structure EP53-3: approximately 0.001 acres of temporary impact to USFWS Occupied Upland Habitat.

Project impacts to arroyo toad as defined by the 2008 Final EIR/EIS included 33.09 acres of permanent impacts to suitable habitat and 154.97 acres of temporary impacts to suitable habitat. The approved project as amended by the PMR along with the impacts from areas as considered under the August 2011 and December 2011 DNA in addition to acreage proposed under the current modification request would result in temporary impacts to 63.301 acres of arroyo toad habitat. Temporary impacts are less than impacts presented in the EIR/EIS. SDG&E has also submitted numerous variance requests to the CPUC for actions on non-federal lands. Minor habitat impacts have occurred however cumulative impacts remain less than those defined under the EIR/EIS.

The mitigation measure is adequate to ensure that impacts to arroyo toad as a result of the changes would be minimized or avoided to the greatest extent practicable. The proposed critical habitat would not result in any new adverse impacts and no additional NEPA review is required.

3B. Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the approved action?

YES. The analyses and conclusions in the Final EIR/EIS are valid as of February 2012. Biological and cultural resources surveys were performed in 2009 and 2010, and habitat assessment surveys were performed in 2012 as required by mitigation measures in the Final EIR/EIS and these surveys helped shape the project changes in avoidance of impacts to specific resources. There is no new information and no new guidance that would trigger the need for additional analyses of the proposed changes to the approved action, as modified by the PMR, as discussed in the following sections.

Quino Checkerspot Butterfly. Please see the QCB discussion under Section 3A. Since the completion of the Final EIR/EIS, additional surveys have been performed and as stated above, the critical habitat for QCB was revised and re-designated in 2009.

Structure EP53-3 is located in occupied Quino Checkerspot Butterfly (*Euphydryas editha quino*) habitat and the proposed anchor point for Leg A contains scattered dot-seed plantain, the larval host plant for the Quino Checkerspot Butterfly. After direct examination of the proposed anchor location, no Quino Checkerspot larvae or adult butterflies were observed. All work associated with the anchor blocks at this location will be monitored by a Quino-permitted biologist. The biologist will again inspect the host plants and surrounding area for larvae and adults prior to the block placement.

The Final EIR/EIS determined that the approved project would have permanent impacts to 19.20 acres of 2002 critical habitat for the QCB and temporary impacts to 55.72 acres of 2002 critical habitat for the QCB. The approved project would have permanent impacts to 47.62 acres (11.46 critical habitat, 36.16 occupied habitat) and temporary impacts to 101.69 acres (16.93 critical habitat, 84.76 occupied habitat.) The approved project as amended by the PMR along with the impacts from areas as proposed under the August 2011 modification request and including acreage under the October 2011 request and this request would result in 19.96 acres of permanent impacts to QCB habitat (4.45 acres of 2009 critical habitat and 15.51 acres of occupied habitat, which is former 2002 critical habitat). Temporary impacts would occur to 19.381 acres (1.59 acres of 2009 critical habitat and 17.791 acres of occupied habitat, which is former 2002 critical habitat). Permanent Impacts are less than those presented in the EIR/EIS and temporary impacts are less than the impacts presented in the EIR/EIS. SDG&E has also submitted numerous variance requests to the CPUC for actions on non-federal lands. Minor habitat impacts have occurred however cumulative impacts remain less than those defined under the EIR/EIS. These changes would not substantially change the analysis of the approved action.

Arroyo Toad. Please see the QCB discussion under Section 3A. Since the completion of the Final EIR/EIS, additional surveys have been performed and as stated above, critical habitat for the arroyo toad was designated.

No designated critical habitat for the arroyo toad was in place in San Diego County at the time the Final EIR/EIS was published and the ROD issued. Project impacts to arroyo toad as defined by the 2008 Final EIR/EIS included 33.09 acres of permanent impacts to suitable habitat and 154.97 acres of temporary impacts to suitable habitat. The approved project as amended by the PMR along with the impacts from areas as considered under the August 2011 and December 2011 DNA in addition to acreage proposed under the current modification request would result in temporary impacts to 63.301 acres of arroyo toad habitat. Temporary impacts are less than impacts presented in the EIR/EIS. SDG&E has also submitted numerous variance requests to the CPUC for actions on non-federal lands. Minor habitat impacts have occurred however cumulative impacts remain less than those defined under the EIR/EIS. These changes would not substantially change the analysis of the approved action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the modified action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

YES. The direct, indirect and cumulative effects of proposed changes to the approved project are similar to those analyzed in the Final EIR/EIS for the FESSR.

The effects of the concrete anchor blocks are summarized below.

Placement of Temporary Concrete Anchor Blocks. SDG&E is requesting use of concrete anchor blocks at EP53-3, EP75-2, and EP144 to improve worker safety for the duration of the leg erection activities to assist with leg stability. In light of SDG&E's experience erecting towers in areas where guy wires attached to steel anchors are insufficient to meet safety requirements, temporary concrete block anchors are necessary to ensure the safety of the public and erection crews. SDG&E has already had a safety concern that arose while trying to keep the concrete block anchors within the 100- x 100-foot approved work area for the structure pad area. For this reason, it was determined that the sites identified above require the blocks to be placed outside the work area.

Habitat assessments were performed for each of the additional work areas associated with the anchor blocks. Activities at these locations would consist of vegetation crushing or minimal vegetation clearing as needed. The modifications will result in temporary impacts of an

additional 150 square feet (0.0034 acre) of BLM lands. The modifications will result in temporary impacts of an additional 0.001 acres of QCB occupied habitat and 0.001 acres of arroyo toad occupied upland habitat. The U.S. Fish and Wildlife Service (USFWS) has authorized impacts to these species under the federal Endangered Species Act, subject to the terms and conditions identified in its November 2010 Biological Opinion (BO) FWS-IMP/SDG-08B0423-11F0047. Activities within QCB and ARTO habitat will be conducted in accordance with the impact avoidance, minimization, and monitoring measures specified in the BO, MMRCP, and other approved Project documents. In addition, SDG&E has acquired and/or provided financial assurances for the conservation of all of the offsite mitigation lands identified in the BO and HAP/HMP for these species.

Temporary impacts to vegetation communities during construction will be restored per the Restoration Plan for Sensitive Vegetation in Temporary Impact Areas, approved by the CPUC on November 5, 2010. SDG&E will implement the Sunrise Powerlink Project Weed Control Plan as approved by the CPUC on September 2, 2010, as necessary.

The Final Inventory Report of the Cultural Resources was accepted on June 2, 2010. Two cultural resources sites are located on Bureau of Land Management (BLM) lands in the vicinity of tower anchor locations proposed under the request. Please note that the specific locations are not being disclosed for confidentiality purposes. As stated in the Final Historic Properties Management Plan (HPMP) for the Sunrise Powerlink Project, approved on July 15, 2010, sites that can be protected from direct impacts, but are within close proximity (within 50 feet) of proposed construction activities will be identified and labeled as ESAs. In accordance with Mitigation Measure C-01b: Erect protective flagging or other markers for ESA; sites will be flagged off with temporary fencing and designated as Environmentally Sensitive Areas (ESA). ESA buffers around the sites will be established and these sites will be protected as exclusionary zones. 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 (including the concrete block anchor placement work) near the designated ESA will be monitored full-time by an archaeologist.

Because of the small area of disturbance associated with the concrete anchor blocks, the impact of the areas would be similar in nature as to the impacts identified and analyzed in the Final EIR/EIS as modified by the PMR and Changes described in the DNA dated March 2011.

Modification to the vegetation clearance restriction in Mitigation Measure B-8a. SDG&E is requesting a modification to the vegetation clearance restriction in Mitigation Measure B-8a which prevents clearance of vegetation during the general avian breeding season which began January 15 for the placement of the anchor blocks. The modification to vegetation clearance would be for minor disturbance and would be required to follow the conditions of approval outlined in Section 2.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Public review and comment on the Sunrise Powerlink Transmission Project were extensive. Public scoping, including 15 public meetings and numerous agency meetings, initiated the public review process. The combined comment periods on the Draft EIR/EIS, RDEIR/SDEIS, and BLM's proposed plan amendments occurred over five and a half months. BLM and CPUC held 14 public meetings and received approximately 3,900 pages of comments on two draft documents. All public comments received were carefully analyzed and agency responses are included in the Final EIR/EIS. Twenty protests to BLM's proposed plan amendments were considered and resolved by the Director of the BLM.

On May 14, 2010, SDG&E submitted to CPUC and BLM a final Project Modifications Report that defines changes made to the project along the entire route after publication of the Final EIR/EIS. The final PMR document explains the reason for each change, and presents the comparative environmental impacts of the project components analyzed in the Final EIR/EIS and those presented in the PMR. The CPUC and BLM accepted public comments on the Final PMR from May 14 to June 7, 2010. All changes included in the final PMR have been reviewed by the lead agencies, CPUC and BLM, along with the cooperating, responsible and resource agencies.

In January 2011, SDG&E submitted to the BLM a number of changes to the project along the route on BLM-administered land. The changes were submitted with documentation explaining the reason for each change and figures identifying each change. The BLM reviewed the changes and all associated impacts. These changes were acknowledged in a DNA dated March 2011.

In July 2011, SDG&E submitted to the BLM a number of changes to the project along the route on BLM-administered land. The changes were submitted with documentation explaining the reason for each change and figures identifying each change. The BLM reviewed the changes and all associated impacts. These changes were acknowledged in a DNA dated August 2011.

E. Persons/Agencies/BLM Staff Consulted

Margaret L. Goodro	Field Manager	El Centro Field Office, BLM
Thomas Zale	Associate Field Manager	El Centro Field Office, BLM
Sandra McGinnis	Planning & Environmental Coordinator	California State Office, BLM
Nicollee Gaddis	Planning & Environmental Coordinator	El Centro Field Office, BLM
Carrie Simmons	Archaeologist	El Centro Field Office, BLM
Sharon Tyson	Wildlife Biologist	El Centro Field Office, BLM
Andrew Trouette	Natural Resource Specialist	El Centro Field Office, BLM
Susan Lee		Aspen Environmental Group
Emily Capello		Aspen Environmental Group

Note: Refer to the EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion *(If you found that one or more of these criteria is not met, you will not be able to check this box.)* [X]

Based on the review documented above in this DNA, I conclude that the proposed changes to the approved project conform to the applicable land use plans inasmuch as the proposed changes are within the approved plan amendment for the Sunrise Powerlink Project. The NEPA EIS documentation fully covers the proposed action described above and constitutes BLM's compliance with the requirements of NEPA.

Signature of Project Lead

Signature of NEPA Coordinator

Signature of the Responsible Official: Acting

Date: 2/10/2012

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.