

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



April 25, 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 #12

Dear Mr. Colton,

On April 15, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to add a turnaround along the access road to Structure EP 220-1 which is located on Link 1 (NTP #13, overhead on non-federal lands), of the Sunrise Powerlink Project, within San Diego County.

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 area requested under this variance does not fall under Forest Service jurisdiction.

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 #12 to add a turnaround along the access road to Structure EP 220-1 is granted by CPUC for the proposed activities based on the factors described below.

**SDG&E Variance Request.** Excerpts from the SDG&E Variance Request, received April 18, 2011, are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a variance from the Project Modification Report, approved (**by the CPUC**) on September 22, 2010, to add a turnaround on the access road to structure EP220-1.

SDG&E would use this workspace to allow for a permanent turnaround on the access road to EP220-1 for large construction vehicles and equipment to accommodate construction and future Operations and Maintenance activities. The access road to EP220-1 is over 1400 feet long and environmental and engineering constraints have not allowed for space to provide a turnaround at the tower location. Old Highway 80, where it connects to the access road to EP220-1, is a two

lane County road with a speed limit of 55 miles per hour. It would be unsafe for vehicles to back out into oncoming traffic onto this road. For the safety of SDG&E personnel and their contractors, a turnaround would allow for large vehicles to turnout should oncoming traffic be approaching and to turnaround as needed. It would also allow vehicles and equipment the work space necessary to complete three point turns. The ability to turn around will keep construction equipment from backing up entire length of the dirt road and onto the paved public road (Old Highway 80).

A biological survey was performed on March 17, 2011. The proposed turnaround site is approximately 500 feet southwest of EP220-1, adjacent to and west of the existing dirt access road to Structure EP220-1. The proposed turnaround is within a relatively flat, open area categorized as semi-desert chaparral habitat. The area is dominated by red shank (*Adenostoma sparsifolium*) and big sagebrush (*Artemisia tridentata* ssp. *tridentata*), with mountain mahogany (*Cercocarpus betuloides* var. *betuloides*), mountain buckwheat (*Eriogonum fasciculatum* ssp. *polifolium*), California ephedra (*Ephedra californica*), cupleaf ceanothus (*Ceanothus greggii* ssp. *perplexens*), and Gander's cholla (*Cylindropuntia ganderi* var. *ganderi*) also in the vicinity. Other plant species observed include sapphire woolly star (*Eriastrum sapphirinum*), desert needlegrass (*Stipa speciosa*), miniature lupine (*Lupinus bicolor*), matchweed (*Gutierrezia* sp.), interior goldenbush (*Ericameria linearifolia*), and goldfields (*Lasthenia gracilis*). Weed species are prominent, including cheat grass (*Bromus tectorum*) and filaree (*Erodium* sp.). The proposed turn around is within a weed control area for the project. Construction personnel will follow the approved Weed Control Plan approved on September 8, 2010.

A dry drainage listed as a tributary to Carrizo Creek (project water body GPS ID #43-S-2) crosses access road to EP220-1 approximately 5 feet north of the proposed location of the turnaround.

Wildlife species observed in the vicinity include Gilbert's skink (*Plestiodon* (Emeces) *gilberti*). Side-blotched lizard (*Uta stansburiana*), bushitit (*Psaltiriparus minimus*), California quail (*Callipepla californica*), and western scrub-jay (*Aphelocoma californica*). Sensitive plant species observed at the site include Jacumba milkvetch (*Astragalus douglasii* var. *perstrictus*) and sticky geraea (*Geraea viscid*). One other sensitive plant species, desert beauty (*Linanthus bellus*), has been documented in the area, however this species was not observed during the survey. No nests or nesting activities were observed in the vicinity of the proposed turnaround area during the survey.

A cultural resource review of this area was performed on March 14, 2011. This proposed turnaround is within the APE surveyed by ASM Affiliates, Inc. during cultural resource investigations for the Sunrise Powerlink Final Environmentally Superior Southern Route (Garcia-Herbst, et. Al 2010). The results of the surveys indicate that no known cultural resources occur within the proposed location of the turnout. Since this variance will not affect any National Register or California eligible sites, no further cultural resource work is required. Placement of the turnaround was influenced by the presence of a large, important cultural resource site near EP220-1.

#### 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. This review also included a visit of the subject site the week of April 10, 2011 by the CPUC Lead Environmental Monitor (EM). The following discussion summarizes this analysis for biological, cultural, paleontological, and hydrological resources, sensitive land uses/noise, and other issue areas. 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 proposed work area is vegetated. For all construction activities in the turnaround work limits, clearing will need to occur. No vegetation clearing will be allowed during the bird nesting season until direct approval by the resource agencies has been granted or otherwise permitted under the *Nest Survey Protocol*, currently under review. To avoid harm to nesting birds, SDG&E and its contractors will implement the Project mitigation measures for nesting birds and the conditions of this variance approval found below.

As provided by SDG&E, sensitive plant species observed at the site include Jacumba milkvetch and sticky gerardia. One other sensitive plant species, desert beauty, has been documented in the area. As required under Mitigation Measure B-5a, all special status plant populations shall be staked or flagged by a qualified biologist... Impacts to federal or State listed plant species shall first be avoided where feasible, and where not feasible, impacts shall be compensated through salvage and relocation via a restoration program and/or off site acquisition.

**Hydrological Resources.** A dry drainage listed as a tributary to Carrizo Creek (project waterbody GPS ID #43-S-2) crosses the access road to EP220-1 approximately 5 feet north of the proposed location of the turnaround. The Link 1 applicable SWPPP BMPs shall be implemented at the site in order to protect the tributary.

**Cultural and Paleontological Resources.** Placement of the turnaround was influenced by the presence of a large, important cultural resource site near EP220-1. The Final Inventory Report for Cultural Resources was accepted on June 2, 2010, by BLM and CPUC. A cultural survey was performed on March 14, 2011. No cultural resources are located within the proposed turnaround area. The Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP) was accepted on June 17, 2010. The turnaround area requested within this variance shall have the same paleontological monitoring requirements as at Structure EP220-1. 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 Final Historic Properties Management Plan (HPMP) and PMDTP.

**Traffic.** No concerns noted under this variance.

**Sensitive Land Uses/Noise.** No concerns noted under this variance.

**Other Issue Areas.** No concerns noted under this variance.

**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 construction activities.
3. Impacts to vegetation may not occur in the area of this request during nesting season until concurrence by the resource agencies has been granted or otherwise permitted under the *Nest Survey Protocol*, currently under review by the resource agencies.
4. Preconstruction surveys shall be conducted as outlined in the *Nest Survey Protocol*. Bird species nest surveys are to be conducted 7 days prior to initiation of or restarting construction within 100 (500 feet for certain species) of project areas. Vegetation removal/tree trimming and construction impact areas will be staked in advance of all surveys.

5. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur immediately preceding and during active construction as part of required biological monitoring activities. If active bird nests are found, 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.
6. As required under Mitigation Measure B-5a, all special status plant populations shall be staked or flagged by a qualified biologist... Impacts to federal or State listed plant species shall first be avoided where feasible, and where not feasible, impacts shall be compensated through salvage and relocation via a restoration program and/or off site acquisition.
7. SDG&E shall implement all preconstruction, during and post construction conditions of the approved Project Weed Control Plan.
8. Wildlife found to be trapped will be removed by a qualified Biological Monitor. If the Biological Monitor is not qualified to remove the entrapped wildlife, a recognized wildlife rescue agency (such as Project Wildlife) will be contacted to remove the wildlife and transport it safely to other suitable habitats.
9. All crew members shall be Safe Worker and Environmental Awareness Program (SWEAP) trained prior to working on the project. A log shall be maintained on-site with the names of all crew personnel trained. For any crew members with limited English, a translator shall be on-site to ensure understanding of the training program. In place of a translator, the SWEAP training brochure can be provided in Spanish or other languages as appropriate. All participants will receive a hard-hat sticker for ease of compliance verification.
10. 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 PMDTP.
11. A dry drainage listed as a tributary to Carrizo Creek (project waterbody GPS ID #43-S-2) crosses access road to EP220-1 approximately 5 feet north of the proposed location of the turnaround. The Link 1 applicable SWPPP BMPs shall be implemented at the site and field verified by the CPUC EM prior to construction in order to protect the tributary. In addition, all BMPs shall be maintained during construction as necessary.

Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard  
CPUC Environmental Project Manager  
Sunrise Powerlink Transmission Project

**Alan Colton, SDG&E**  
**Sunrise Powerlink Project**  
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cc: Daniel Steward, BLM El Centro Field Office  
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Bob Hawkins, Forest Service  
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