

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 6, 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 #13

Dear Mr. Colton,

On April 13, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to add permanent communication shelters near tower sites EP215 and EP54-1 which are 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 #13 to add permanent communication shelters near tower sites EP215 and EP54-1 is granted by CPUC based on the factors described below.

SDG&E Variance Request. Excerpts from the SDG&E Variance Request, received April 13, 2011, and follow-up clarifications via e-mail are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a variance from the final construction drawings, submitted on September 2, 2010, and the Project Modification Report, approved on September 22, 2010 by CPUC, to add communication shelters near EP215 and EP54-1. It was determined that communication between Imperial Valley Substation and Suncrest Substation exceeds the range for optical transmission without the use of permanent communication shelters (also known as Regeneration Shelters).

In order to ensure system protection of the Sunrise Powerlink, provisions for two permanent communication shelters are necessary to allow SDG&E utilization of standard equipment for optical transmission. Communication Shelter EP215 will be located north of Interstate 8 (I-8), approximately 50 feet east of McCain Valley Road, and near structure EP215. Communication Shelter EP54-1 will be located north of Round Potrero Road, near structure EP54-1. Both Communication Shelters are located within the right-of-way (ROW) as described in the Notice to Proceed #13 (NTP#13), approved on January 14, 2011.

There are no businesses or residences within 1000 feet of the shelter at EP215. Although McCain Valley Road is adjacent to the location of the EP215 shelter, traffic on McCain Valley Road is light. I-8 runs just south of the shelter location, and is situated at a higher elevation (parallels the alignment by bridge) than the shelter.

The communication shelter at EP54-1 is on a large private parcel that was the former location of a chicken ranch and is presently used for grazing cattle. The location is reached by a dirt road, Round Potrero Road. There are no sensitive receptors within 1000 feet of the shelter and the facility is shielded from the public by its remote location.

The regeneration sites accommodate four All-Dielectric Self-Supporting (ADSS) fiber cables through an underground duct package from the tower. Construction of the regeneration site includes grading a pad and building a foundation for the shelters and installation of distribution power into the shelters. An emergency generator system will also be installed within the shelter fenced area. Each shelter and emergency generator unit is enclosed in a 6-foot high fence. Both a communication shelter screening plan and communication shelter surface treatment plan have been developed **(the CPUC visual reviewer conducted reviews and approved both plans.)** The installation at EP 54-1 will be enclosed in a 26-foot by 31-foot by 6-foot fence and the site at EP215 will be enclosed in a 24-foot by 25-foot by 6-foot fence. Both of these fences will be screened with featherlock beige screening. The shelters are manufactured structures that will be brought to the site as a complete unit. An emergency generator will also be provided at both locations. The shelters weigh approximately 9000 pounds and the dimensions are 10-feet-wide by 10-feet-long by 10-feet-high. The emergency generator is enclosed in steel, weighs 875 pound, and measures 62-inches-wide by 34-inches-wide by 29-inches-high. Vehicle access to each shelter will be from existing access roads. Personnel would park at the towers, and then walk to the shelters.

The shelters will house racks of communication equipment that connect to the underground fiber cables from the splice boxes located at the transmission structures. Accompanying the emergency generator is a 250 gallon liquid propane tank that will be approximately 85.5 inches long, 30.4 inches in diameter, and weigh 667 pounds fully loaded. Both the emergency generator and tank will be placed on a graded pad near the shelter. If the emergency generator or tank requires future replacement, vehicles will drive up to the shelter to replace these items. A new 12kV distribution pole will be constructed outside of the shelter location to support new permanent power distribution into the communication shelter.

Trench line construction from the towers to the communication shelter shall be conducted to facilitate fiber optic connections. For EP 215, two fiber lines descend from the top of the tower, down two separate tower legs into a trench to the communication shelter. One trench line is approximately 35ft. long and the other is approximately 60ft long. Both trenches are 24 inches deep and 10 inches wide. For EP 54-1, two fiber lines descend from the top of the tower, down two separate tower legs into a trench to the communication shelter. One trench line is approximately 120ft. long and the other is approximately 140ft long. Both trenches are 24 inches deep and 10 inches wide.

Biological reviews were performed for EP215 and EP54-1 on April 2, 2011 and April 7, 2011, respectively. The communication shelter at EP215 is located within the ROW adjacent to the structure. Focused biological surveys, nesting bird surveys, and general habit assessment have all been completed at this tower site and its surroundings over the last several years. Project documents relative to sensitive plant species mitigation procedures are already in place, and therefore, all accounted sensitive plant species with impact areas are already included in the mitigation. The site is currently bare ground as a result of clearing for the EP215 tower construction. Prior to clearing of vegetation for Sunrise Power Link, the site was disturbed semi-desert chaparral. Disturbance previously occurred from brush clearing for livestock grazing, which likely took place several years ago. The remaining surrounding vegetation is disturbed semidesert chaparral composed primarily of flat-topped buckwheat (*Eriogonum fasciculatum* ssp. *polifolium*), chamise (*Adenostoma fasciculatum*), interior golden bush (*Ericameria linearifolia*) and sugar bush (*Rhus ovata*) with approximately 40 percent total shrub cover. Annual plants, including compact chess (*Bromus madritensis*) and goldfields (*Lasthenia californica*)

comprise the majority of annual plant cover between shrubs. One sticky geraea (*Geraea viscida*), a sensitive plant species, was detected adjacent to the site outside of the project impact area.

The communication shelter (area) at EP54-1 is currently used for cattle grazing and is classified as Extensive Agriculture-Field/Pasture, Row Crops (AG-FP) according to the 2009 Sunrise Powerlink Vegetation Community Descriptions. The vegetation is approximately 15 percent total shrub cover that consists primarily of coyote brush (*Baccharis pilularis*). Annuals make up the remaining 85 percent of the ground cover between the woody shrubs, and were composed primarily of non-native annual grasses and weeds. Long-beak filaree (*Erodium botrys*), compact chess (*Bromus madritensis*), smooth barley (*Hordeum murinum*), ripgut brome (*Bromus diandrus*), rancher's fiddleneck (*Amsinckia intermedia*), shortpod mustard (*Hirschfeldia incana*), and cryptantha (*Cryptantha* sp.) were the annual plant species observed (in the vicinity of the proposed regeneration site. Tecate tarplant (*Deinandra floribunda*) was detected in the 2010 rare plant survey approximately 150 feet from the project impact area. No sensitive plant species were observed within this project impact area.

Cultural Surveys of both shelter locations were completed during the Class III resources inventory that was approved in June 2010 and were reviewed in late March 2011. The communication shelter at EP215 is within the APE surveyed by ASM Affiliates, Inc. during cultural resources investigations for the Sunrise Powerlink final Environmentally Superior Route (Garcia-Herbst, et al. 2010). No cultural resources were identified in the area. Since this variance will not effect NRHP/CRHR eligible sites, no further cultural resource work is required. The communication shelter at EP54-1 is within the APE surveyed by ASM Affiliates, Inc. during cultural resource investigations for the Sunrise Powerlink final Environmentally Superior Route (Garcia-Herbst, et al. 2010). There are no cultural resource sites at the proposed location for this shelter; however, there are a number of sensitive cultural resources in this geographical region. There will not be any direct impacts to an NRHP/CRHR eligible site; however, to avoid impacts to any unidentified cultural resources, an archaeological monitor will be on-site for ground disturbing activities at the location of the shelter.

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 April, 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, visual 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 communication shelter at EP215 is located within the ROW adjacent to the structure. Focused biological surveys, nesting bird surveys, and general habit assessment have all been completed at this tower site and its surroundings over the last several years. Project documents relative to sensitive plant species mitigation procedures are already in place, and therefore, all accounted sensitive plant species within impact areas are already included in the mitigation. The site is currently bare ground as a result of clearing for the EP215 tower construction.

The communication shelter at EP54-1 is currently used for cattle grazing and is classified as Extensive Agriculture- Field/Pasture, Row Crops (AG-FP) according to the 2009 Sunrise Powerlink Vegetation Community Descriptions. The vegetation is approximately 15 percent total shrub cover. Annuals make up the remaining 85 percent of the ground cover, and were composed primarily of non-native annual grasses and weeds. No sensitive plant species were observed within this project impact area. Some 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*. 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.

In regard to the trench line work, measures to avoid entrapment of small animals shall be conducted. All trenches shall be sloped at both ends and/or ramped. In addition the trench line shall be inspected daily prior to work and shall be inspected prior to backfilling.

Hydrological Resources. No concerns noted under this variance.

Cultural and Paleontological Resources. Cultural Surveys of both shelter locations were completed during the Class III resources inventory that was approved in June 2010. The communication shelters at EP215 and EP-54-1 are within the APE surveyed by ASM Affiliates, Inc. during cultural resources investigations for the Sunrise Powerlink final Environmentally Superior Route (Garcia-Herbst, et al. 2010). No cultural resources were identified in these area. All areas requested under this variance will not effect NRHP/CRHR eligible sites. There are a number of sensitive cultural resources in the EP54-1 geographical region. To avoid impacts to any unidentified cultural resources, an archaeological monitor will be on-site for ground disturbing activities at the location of the shelter and all associated trench line activities.

The Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP) was accepted on June 17, 2010. The communication shelters at EP215 and EP-54-1 and associated trench line construction requested within this variance shall have the same paleontological monitoring requirements as at Structures EP215 and EP-54-1 respectively. 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.

Visual. Construction of each regeneration site includes grading a pad and building a foundation for the 10-foot-wide by 10-foot-long by 10-foot-high shelters. The installation at EP 54-1 will be enclosed in a 26-foot by 31-foot by 6-foot fence and EP215 will be enclosed in a 24-foot by 25-foot by 6-foot fence. Both of these fences will be screened with featherlock beige screening. Both a communication shelter screening plan and communication shelter surface treatment plan were developed. The CPUC visual reviewer conducted reviews and approved both plans.

Sensitive Land Uses/Noise/Traffic. There are no businesses or residences within 1000 feet of the shelter at EP215. Although McCain Valley Road is adjacent to the location of the EP215 shelter, traffic on McCain Valley Road is light. I-8 runs just south of the shelter location. The communication shelter at EP54-1 is on a large private parcel that was the former location of a chicken ranch and is presently used for grazing cattle. The location is reached by a dirt road, Round Potrero Road. There are no sensitive receptors within 1000 feet of the shelter and the facility is shielded from the public by its remote location.

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*.
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. In regard to the trench line work, measures to avoid entrapment of small animals shall be conducted. All trenches shall be sloped at both ends and/or ramped. In addition the trench line shall be inspected daily prior to work and shall be inspected prior to backfilling.
7. SDG&E shall implement all preconstruction, during and post construction conditions of the approved Project Weed Control Plan.
8. 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.
9. There are a number of sensitive cultural resources in the EP54-1 geographical region. To avoid impacts to any unidentified cultural resources, an archaeological monitor will be on-site for ground disturbing activities at the location of the shelter and all associated trench line activities.
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.

Alan Colton, SDG&E
Sunrise Powerlink Project
Page 6

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
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