

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 10, 2012

Mr. Alan F. Colton
Manager – Environmental Services
Sunrise Powerlink Transmission Project
8315 Century Park Court, CP21G
San Diego, CA 92123-1550

RE: SDG&E Sunrise Powerlink Transmission Line Project – Variance Request #13, Modification #1

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. CPUC approved the request May 6, 2011. On May 8, 2012, SDG&E submitted a modification to the request to alter the configuration of both shelters due to fire safety requirements. (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, Modification #1, to modify two permanent communication shelters near tower sites EP215 and EP54-1 approved under Variance #13, 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 the Modification request received May 8, 2012 are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a modification to Variance #13 issued May 6, 2011, by the CPUC. This modification request pertains to two communication shelter sites and is necessary to ensure compliance with applicable National Fire Protection Association (NFPA) code sections as well as San Diego County Noise Ordinance No. 9962.

As discussed in Variance #13, the two communication shelters addressed herein are critical for maintaining optical transmission system protection of the Sunrise Powerlink. The sites consist of a communication shelter, emergency generator system, access road, and 12kV power to the shelter. Both a communication shelter screening plan and communication shelter surface treatment plan were developed for each site (**the CPUC visual reviewer conducted reviews and approved both plans in 2011.**) Below are descriptions of the modifications necessary at each location and the construction activities that are anticipated to take place.

EP54 Communication Shelter

NFPA 58 Table 6.3.1 requires a 10-foot separation between propane tanks and sources of combustion/ignition. At EP54, the 10-foot required clearance will be achieved by moving the emergency generator and propane tank to the east of the shelter and expanding the site footprint within the right-of-way (ROW) to the east approximately 11 feet. An 8-foot-high chain-link fence with an additional 1 foot, 2 inch barbed wire extension will also be installed around the perimeter of the site. This is consistent with the engineering drawings submitted with Variance #13; however, the original variance stated that a 6-foot-high fence would be installed. This higher fence, together with security cameras and motion sensors, will enhance security at this critical location.

Because the generator and tank need to be moved to the east side of the site, a short new access road approximately 0.014 acres along the southern edge of the site is also requested in order to allow Operations & Maintenance (O&M) personnel to service the propane tank and generator.

Vegetation removal and grading will be necessary to expand the site and install the fence and short access road. As discussed in Variance #13, 12kV power is needed at the site and will be brought in using existing poles and one new pole. SDG&E is requesting to modify the original variance request to include replacement of one existing pole, P373900, and its existing transformers within the same footprint as the existing pole; a slight change to the location of the one new pole, P246997, and its anchor, and the use of temporary work areas around these pole locations. The new pole will permanently impact an area approximately 18 inches in diameter. The new pole's anchor will temporarily impact an area approximately 2 feet in diameter. A line truck and bucket truck with a truck-mounted auger will be used to install the new pole and anchor.

In addition to the permanent and temporary impacts discussed above, temporary work areas around the fenceline of the communication shelter area will be needed. Vegetation in the temporary work area will be crushed but will not be removed and will be restored if necessary. The total impacts associated with this work will include:

Impact Type	Acres
New Permanent Impacts	0.0207
Approved Impact Area Still Needed	0.0171
Approved Impact Area Not Needed	0.0014
Temporary Work Area	0.430

EP215 Communication Shelter

As mentioned above, NFPA 58 Table 6.3.1 requires a 10-foot separation between the propane tank and sources of combustion or ignition. However, at EP215, the proximity of the ROW to the communication shelter fenceline prevented sufficient area for expansion to achieve compliance with the 10-foot setback requirement. Accordingly, SDG&E is proposing to modify the original variance and replace the propane emergency generator with a diesel-fired emergency generator and expand the site by approximately 12 feet to the east to maintain a 5-foot separation between the generator and sources of combustion/ignition as required by NFPA 30 Table 2-3.2.1.1.

In addition, to meet noise level thresholds required by the San Diego County Noise Ordinance, SDG&E conducted an ambient noise study at this location to determine that use of a Kohler Type 1 standard enclosure for the generator would achieve compliance with the applicable noise limits.

SDG&E is also requesting to replace the existing 6-foot-high fence with an 8-foot-high chain-link fence with an additional 1 foot, 2 inch barbed wire extension. This is consistent with the drawings submitted with Variance #13; however, the original Variance stated that a 6-foot-high fence would be installed. This higher fence, together with security cameras and motion sensors, will enhance security at this critical location.

With the change in location of the generator to the east side of the site, SDG&E is also requesting to install a short access road approximately 0.02 acres along the northern edge of the site to allow operations and maintenance personnel to service and refuel the generator system.

Vegetation removal and grading will be necessary to expand the site and install the fence and short access road.

The total impacts associated with this work will include:

Impact Type	Acres
New Permanent Impacts	0.031445
Approved Impact Area Still Needed	0.016462

Please note that temporary work areas are not necessary at this location because the site falls within the existing approved work areas for the tower at EP215. 12kV power has also already been brought into this location.

Project activities at both sites will be conducted in accordance with the same impact avoidance, minimization, monitoring, and mitigation measures that apply to all other Project impact areas. Identified measures include those specified in the Project's Mitigation Monitoring, Compliance, and Reporting Program (MMCRP), PMR, and approved plans and permits for specific types of activities.

Biological Resources

EP54 Communication Shelter

Biological habitat assessments were conducted on February 6 and April 10, 2012, for the proposed work area. The proposed work area consists of bare ground and non-native grassland supporting annual herbaceous vegetation. One special-status plant species, Tecate tarplant, was observed nearby (approximately 150 feet to the northeast of the communication shelter in a small swale) This species was not observed in the proposed work area. No special-status wildlife species were observed during the 2012 habitat assessments. Special-status wildlife species observed during pre-construction surveys or during construction in the vicinity include northwestern San Diego pocket mouse, two-striped garter snake, and western spadefoot toad. Both Quino checkerspot butterfly and arroyo toad were observed in McAlmond Canyon west of the proposed work area during the pre-construction surveys. However, both of these observations were over 1 kilometer away and breeding/aestivation or egg laying/host plant habitat does not exist within the proposed work area. Although not observed during the pre-construction surveys or during the 2012 habitat assessments, the surrounding valley has the potential to support burrowing owl. All appropriate mitigation measures related to burrowing owl will be adhered to in order to avoid potential impacts to this species during the work proposed in this variance request. No potential jurisdictional wetland or waters features were observed within or adjacent to the proposed work areas.

EP215 Communication Shelter

Biological habitat assessments were conducted on February 6 and April 10, 2012, for the proposed work area. The majority of the proposed work area consists of bare ground and/or scattered low-growing annual herbaceous vegetation. Three special-status plant species were observed during the 2009/2010 combined rare plant surveys in the vicinity of the proposed work area, desert beauty, Jacumba milkvetch, and sticky geraea. None of these species occur within or adjacent to the proposed work area. Wildlife observed during the 2012 habitat assessments was limited to white-crowned sparrow, common raven, and bushtit. No special-status wildlife species were observed during the 2012 habitat assessments. Special-status wildlife species observed during pre-construction surveys or during construction in the vicinity include silvery legless lizard and black-tailed jackrabbit. No habitat occurs within the proposed impact area or adjacent habitat for any federally or state listed wildlife species. No potential jurisdictional wetland or waters features were observed within or adjacent to the proposed work areas.

Cultural and Paleontological Resources

EP54 Communication Shelter

This area was surveyed for archaeological materials during both pre-construction fielding activities and cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route (FESSR) and no cultural resource sites or features were found. The proposed work areas will not impact any NRHP/CRHR eligible sites.

The proposed work area is not within a geological deposit with potential for paleontological deposits. There is no potential for impacts to paleontological resources from the proposed activities.

EP215 Communication Shelter

This area was surveyed for archaeological materials during both pre-construction fielding activities and cultural resources inventory work for the Sunrise Powerlink FESSR and no cultural resource sites or features were found. The proposed work areas will not impact any NRHP/CRHR eligible sites.

The proposed work area is not within a geological deposit with potential for paleontological deposits. There is no potential for impacts to paleontological resources from the proposed activities.

Noise

The proposed activities will occur during normal/approved Project hours. Noise from operation of the emergency generators at both locations is compliant with San Diego County Noise Ordinance No. 9962.

Air Quality

SDG&E will comply with the Dust Control Plan as approved for the Project. Logs of equipment hours and engine types will be prepared. The emergency generator engines are rated below 50 horsepower and are, therefore, exempt from San Diego County Air Pollution Control District permitting requirements.

Visual

No new impacts to visual resources will occur as a result of these modifications. The increased height of the fence will enhance screening of the site and will comply with the approved screening plan for the sites, which stipulates the use of featherlock beige slats in the fence.

Public Health & Safety

SDG&E will prepare and submit a Hazardous Material Business Plan to San Diego County Department of Environmental Health for each site in accordance with state and local regulations **(Please note that this shall also be submitted to the CPUC.)**

Fire and Fuels Management

Engineering design of the site and setbacks of the fuel containers is compliant with NFPA standards. Vegetation around the site will be maintained to allow for at least 10 feet of separation between the diesel or propane tanks and combustible material in compliance with NFPA 58-31, NFPA 30-40, and California Public Resources Code Section 4291-4299.

- Vegetation removal will be performed in compliance with CPUC Variance #36 approved on February 10, 2012. **(This will require formal vegetation analysis as well as three day nest surveys. Please also note that SDG&E must demonstrate that with this variance modification the cumulative total of vegetation removed, crushed or trimmed does not exceed 2 acres during the 2012 nesting season allowed under variance #36.)**
- SDG&E will conduct nesting bird surveys in accordance with the NBMMP and Nest Survey Protocol and follow all other approved plans, permits, and mitigation measures.

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, 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. 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.

Burrowing owl has the potential to occur at EP54, Mitigation Measure B-7d conditions shall be implemented. The CPUC consulting biologist provided review concurrence May 10, 2012.

While no bird nests or nesting activity was observed during the habitat assessment, impacts to nesting birds could still occur during the nesting season. Therefore, construction will be subject to Mitigation Measure B-8a (including the Nest Survey Protocol and Nesting Bird Management Plan) to protect nesting birds.

Vegetation removal will be performed in compliance with CPUC Variance #36 approved on February 10, 2012. SDG&E should demonstrate that, with this variance modification, the cumulative total of vegetation removed, crushed or trimmed does not exceed the less than two acres during the 2012 nesting season allowed by Variance #36. This will also require formal vegetation analysis as well as three day nest surveys.

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 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 areas. 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 this location.

The Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP) was accepted on June 17, 2010. The proposed work areas EP 215 and EP54 do not lie within geological deposits with the potential for paleontological deposits.

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. Both a communication shelter screening plan and communication shelter surface treatment plan were developed for the EP 215 and EP54 locations. The CPUC visual reviewer conducted reviews and approved both plans. No new impacts to visual resources will occur as a result of these modifications. The increased height of the fence will enhance screening of the site and will comply with the approved screening plan for the sites, which stipulates the use of featherlock beige slats in the fence.

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. The proposed activities will occur during normal/approved Project hours. Noise from operation of the emergency generators at both locations is compliant with San Diego County Noise Ordinance No. 9962.

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 and Variance #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. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur during active use of the subject site as part of required biological monitoring activities.
4. If active nests are found, follow protocols in MM B-8a (including the Nest Survey Protocol and Nesting Bird Management Plan). A biological monitor shall establish an appropriate buffer around the nest and no activities will be allowed within the buffer until the young have fledged from the nest or the nest fails. The biological monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer until the nesting cycle is complete or the nest fails. The biological monitor shall be responsible for documenting the results of the surveys and the ongoing monitoring. The buffer may be adjusted with the approval of CDFG and USFWS or their designees, and with prior knowledge of the CPUC. A chronology of nesting activity, including any buffer reductions, specific construction activity nearby, and bird behavior shall be noted in the project nesting log to be submitted on a weekly basis.
5. Vegetation removal will be performed in compliance with CPUC Variance #36 approved on February 10, 2012. This will require formal vegetation analysis as well as three day nest surveys. Please also note that SDG&E must demonstrate that along with this variance modification the cumulative total of vegetation removed, crushed or trimmed does not exceed 2 acres during the 2012 nesting season allowed under variance #36. This will also require formal vegetation analysis as well as three day nest surveys.
6. At EP54 the surrounding valley has the potential to support burrowing owl. All Mitigation Measure B-7d requirements shall be implemented.
7. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 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 geographical region. To avoid impacts to any unidentified cultural resources, an archaeological monitor will be on-site for ground disturbing activities at this location.
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. SDG&E will prepare and submit a Hazardous Material Business Plan to San Diego County Department of Environmental Health for each site in accordance with state and local regulations. In addition a copy of the plan shall be submitted to the CPUC.

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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