

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



August 29, 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 #24

Dear Mr. Colton,

On August 25, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to clear vegetation from the perimeter of the Suncrest Substation construction trailers (NTP #11, Suncrest Substation), of the Sunrise Powerlink Project, within San Diego County, Link 3.

The CPUC voted on December 18, 2008 to approve the SDG&E Sunrise Powerlink Transmission Line Project ([Decision D.08-12-058](#)) and a [Notice of Determination](#) was submitted to the State Clearinghouse (SCH#2006091071). The BLM issued a [Record of Decision](#) approving the Project on January 20, 2009. The Project also crosses lands under jurisdiction of the U.S. Department of Agriculture; and Forest Service on the Cleveland National Forest; the Forest Service issued its Record of Decision and Supplemental Information Report on July 9, 2010.

The CPUC also adopted a Mitigation, Monitoring, Compliance and Reporting Program (MMCRP) to ensure compliance with all mitigation measures imposed on the Sunrise Powerlink Project during implementation. The MMCRP also acknowledges that temporary changes to the project, such as the need for additional workspace, are anticipated and common practice for construction efforts of this scale and that a Variance Request would be required for these activities. This letter documents the CPUC's thorough evaluation of all activities covered in this variance, and that no new impacts or increase in impact severity would result from the requested variance activities.

Variance #24 to allow the clearance of vegetation from the perimeter of the Suncrest Substation construction trailers 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 August 25, 2011, are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is submitting this variance request as a modification to the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) issued October 2008 and the Project Modification Report (PMR) approved on September 22, 2010, to incorporate modifications to the Sunrise Powerlink alignment within SDG&E-owned property.

SDG&E is requesting to clear native vegetation, weeds, and brush from the perimeter of the Suncrest Substation trailers for fire safety and to comply with the San Diego Rural Fire Protection District - Hazard Reduction Ordinance #2002-02 (weed ordinance) which states:

Improved properties shall maintain one hundred feet (100') of clearance from all structures clear of native vegetation, weeds, and brush. Distance shall be measured in a horizontal plane.

The vegetation area surrounds the backside of the three trailers and the purpose of clearing this area is to create a fire buffer between the trailers and the nearby habitat. The proposed vegetation trimming is temporary in nature and no permanent impacts are anticipated to occur. Relevant clearance requirements from the ordinance include the following:

Clearance of properties shall be accomplished by methods that will not disturb native soil or rootstock. Grading shall not be used to clear the properties without a valid County of San Diego Department of Planning and Land Use grading permit. Native chaparral may be thinned as approved by the Fire District. Cuttings may be mulched and left on top of the soil to a maximum depth of six inches (6") or may be hauled to an approved County landfill site.

The State's Public Resources Code, Section 4291-4299, requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

1. Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2). The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other

vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly

transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The

intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within

the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, "fuel" means any combustible material, including

petroleum-based products and wildland fuels.

2. A greater distance than that required under paragraph (1) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

The proposed vegetation area is a California buckwheat dominant area with low lying native and non-native plants mixed in (**please note that oak trees occur within the clearance area but they will not be removed**). The surrounding area is characterized by Oak Savanna Habitat that is dominated by Engelmann oak, scrub oak, manzanita, and laurel sumac. The plants that would be directly affected are: California buckwheat, white sage, California milkweed, San Diego tarplant, California matchweed, ragweed, and dove weed. Non-natives that will be affected include: wild oat, soft chess brome, and black mustard. No rare plants were detected during the survey.

Wildlife species observed around the proposed vegetation clearance area include: turkey vulture, Anna's hummingbird, acorn woodpecker, common raven, western scrub-jay, oak titmouse, wrenit, California thrasher, Phainopepla, California towhee, house finch, and lesser goldfinch. A skipper, striated queen, California sister, and gray buckeye were also observed during the survey. There is a large, man-made stick pile within the proposed area that is a known home to the big-eared woodrat and smaller rodents. There is the possibility of snakes residing within the stick pile, using it as a diurnal refuge. There are numerous pocket gopher holes and mounds within the proposed vegetation clearance area. The burrows within the area should not be affected by the vegetation reduction activities; however, the rodents within the stick pile will require relocation (please note that prior to removal of the stick pile and rodent relocation, a summary of the relocation plan including biologist qualifications and specifics such as location of the new or relocated stick pile shall be reviewed and approved by the CPUC.) There were no sensitive wildlife or avian species observed.

This area was surveyed for archaeological materials during preconstruction monitoring work for the Sunrise Powerlink Final Environmentally Superior Southern Route. During that time no sensitive cultural resources were identified in the vicinity. Vegetation removal at this location will not impact any NRHP/CRHR eligible site and no further cultural resources work is recommended.

No drainages were observed during this survey. For ground disturbing activities, SDG&E will implement and maintain the Stormwater Pollution Prevention Plan for Link 3: Suncrest Substation as approved by the State Water Resources Control Board.

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 CPUC Environmental Monitor (EM) visited the areas of the request. The following discussion summarizes this analysis for biological, cultural, paleontological, and hydrological resources, sensitive land uses/noise, and visual. A list of conditions is presented below to define additional information and clarifications regarding mitigation requirements. In some cases, these items exceed the requirements of the Mitigation Measures and Applicant Proposed Measures, and are based on specific site conditions and/or are proposed conditions by SDG&E.

Biological Resources. The proposed vegetation area is dominated by California buckwheat with low lying native and non-native plants mixed in. Oak trees occur within the clearance area, but they will not be removed. The plants that would be directly affected are: California buckwheat, white sage, California milkweed, San Diego tarplant, California matchweed, ragweed, and dove weed. Non-natives that will be affected include: wild oat, soft chess brome, and black mustard. No rare plants were detected during the survey.

There were no sensitive wildlife or avian species observed during the site survey. There is a large, man-made stick pile within the proposed area that is a known home to the big-eared woodrat and smaller rodents. There is the possibility of snakes residing within the stick pile, using it as a diurnal refuge. As proved by SDG&E, the rodents within the stick pile will require relocation. Prior to removal of the stick pile and rodent relocation, a summary of the relocation plan including biologist qualifications and specifics such as location of the new or relocated stick pile shall be reviewed and approved by the CPUC.

The oak trees found within the vegetation area shall not be removed. SDG&E did not propose any tree trimming. If trees must be trimmed the CPUC shall be notified in advance and the conditions of Mitigation Measure B-1a shall be implemented. "For all trimmed native trees, the trees shall be

monitored for a period of three years. If a trimmed tree declines or suffers mortality during that period, the trees shall be replaced in-kind at a 2:1 or 5:1 ratio as recommended by the CDFG." No vegetation clearing will be allowed during the bird nesting season until direct approval has been granted or otherwise permitted under the approved *Nest Survey Protocol*. To avoid harm to wildlife and nesting birds, SDG&E and its contractors will implement the Project mitigation measures for nesting birds and the conditions of this variance approval found in the conditions section below.

Hydrological Resources. No drainages or water resources will be affected by the vegetation clearing. The Link 3 SWPPP will be implemented.

Cultural and Paleontological Resources.

No ground disturbance is proposed, therefore Paleontological sensitivity of the area is not a concern.

This area was surveyed for archaeological materials during preconstruction monitoring work for the Sunrise Powerlink Final Environmentally Superior Southern Route. During that time no sensitive cultural resources were identified in the vicinity.

In the event of an unanticipated discovery of archaeological or paleontological materials, all 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 Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP).

Traffic/Sensitive Land Uses/Noise. No concerns noted.

Visual. No concerns noted

Conditions of Variance Approval.

The conditions presented below shall be met by SDG&E and its contractors:

1. All applicable project mitigation measures, APMs, compliance plans, permit conditions and conditions of NTP #11 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 site use.
3. Vegetation clearing is anticipated to occur at a distance no greater than 100-feet from site structures. If greater distances are required, the CPUC shall be notified.
4. No vegetation clearing will be allowed during the bird nesting season until direct approval has been granted or otherwise permitted under the approved *Nest Survey Protocol*.
5. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur during active use of the subject yard as part of required biological monitoring activities.
6. If active nests are found, follow protocols in MM B-8a. 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. 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.

7. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
8. Prior to removal of the stick pile and rodent relocation, a summary of the relocation plan including biologist qualifications and specifics such as location of the new or relocated stick pile shall be reviewed and approved by the CPUC.
9. The oak trees found within the vegetation area shall not be removed. If trees must be trimmed the CPUC shall be notified and the conditions of Mitigation Measure B-1a shall be implemented.
10. If the application of water is needed to abate dust, SDG&E shall use the least amount needed to meet safety and air quality standards and prevent the formation of puddles, which could attract wildlife to construction sites (as requested by USFWS). Conditions of the Dust Control Plan will be implemented and enforced.
11. The SWPPP shall be implemented.

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
Erinn Wilson, CDFG
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