

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



February 8, 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 #37

Dear Mr. Colton,

On January 20, 2012, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) for placement of temporary concrete block anchors outside a number of approved tower work areas. On February 3, Revision 2 and Revision 3 of the request were submitted.

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 #37 for placement of temporary concrete block anchors outside of approved tower work areas is granted by CPUC based on the factors described below.

SDG&E Variance Request. Excerpts from the SDG&E Variance Request Revision 3, received February 3, 2012, are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is submitting Revision 2 to 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 the following overhead construction modifications to the Sunrise Powerlink Project within Federal and non-Federal lands **(please note that this approval covers only non-federal lands and separate approvals are required by BLM for work on federal lands)**:

Placement of Temporary Concrete Block Anchors

The purpose of this revision is to correct and clarify the tower locations provided in the original submittal of January 20, 2012, and to respond to a few comments and questions from the CPUC and the wildlife agencies.

To identify the temporary concrete block anchor locations, SDG&E assessed construction methods based on worker safety, identified sensitive resources for avoidance/minimization, and completed additional field verification of the construction engineering design. The temporary concrete block anchors are changes since the PMR.

SDG&E is requesting to install and utilize temporary concrete block anchors during construction of towers at certain sites. Although the majority of the anchor blocks will be placed inside the approved work areas, some are proposed to be placed at the edge of the approved work areas or just outside. All of the proposed anchor locations were surveyed as part of the pre-construction plant and wildlife surveys (which included the ROW, additional appropriate habitat outside the ROW for wildlife surveys, and a minimum 30-foot-wide buffer on each side of the ROW for plant surveys) and then again when the optimum concrete block anchor locations were determined. Cultural and biological resources subject specialists accompanied the construction team and determined the optimal locations for the anchors. Currently none of the concrete block anchors are proposed to be placed beyond 30 feet outside of the approved work areas. The placement of temporary concrete block anchors will result in only minimal, temporary impacts because surface disturbance will be limited to approximately 12.5 square feet per block (2.5 feet x 5 feet rectangular blocks), they will be flown in by helicopter, placed in areas to avoid and minimize cultural and biological resources, and removed after each tower is constructed. For areas that support special-status biological species such as Quino checkerspot butterfly (Quino), California gnatcatcher (CAGN), least Bell's vireo (LBV), southwestern willow flycatcher (SWFL), or arroyo toad (ARTO) where those species are actively nesting, flying, dispersing, or foraging, concrete block anchors will not be removed without agency concurrence (**please note that Quino is the only sensitive species which could be impacted at one non-federal tower location which supports Quino habitat**). The Forest Service has previously approved the use of these concrete block anchors at eight tower sites on Forest Service land. In light of SDG&E's experience erecting towers in areas where guy wires attached to steel anchors are insufficient to meet safety requirements, it has become clear that temporary concrete block anchors are necessary to ensure the safety of the public and erection crews.

These temporary concrete block anchors are required to assist with tower leg stability and will:

1. Provide a safe working environment for leg erection crews.

We have already had a safety concern arise when we were trying to keep the concrete block anchors within the 100- x 100-foot approved work area. For this reason, it was determined that some sites might require the blocks to be placed outside our work area.

2. Impose no permanent impacts.

Biological and cultural resource specialists worked with SDG&E's contractor to site concrete block anchor locations in areas that were previously disturbed or would result in the least impacts to resources. Special precautions will be made during the planning and placement of blocks to avoid special-status biological species. All proposed concrete block locations will be within areas previously surveyed for biological resources including listed wildlife species, other wildlife, and rare plants. All concrete block anchor placement work will be monitored by biological and cultural monitors to ensure that minimal impacts occur. Vegetation clearing will be avoided to the extent possible. If vegetation is present and cannot be avoided, vegetation may be trimmed or crushed during anchor placement. This methodology will aid in re-growth/restoration of impacted habitat. Vegetation clearing will be subject to Variance #36. Project activities at all of the proposed work areas 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 including those specified in the Project's Mitigation Monitoring, Compliance, and Reporting Program (MMCRP), PMR, Nesting Bird Management and Monitoring Plan (January 13, 2012 [CPUC and BLM]), and approved plans and permits for specific types of activities. All impacts associated with this request are temporary in nature. The additional temporary impacts to sensitive vegetation communities will be restored per the Sensitive Vegetation Restoration Plan, approved by the CPUC on October 30, 2010. Additionally, impacts will be mitigated through offsite conservation of like vegetation. A final accounting of impacts and mitigation will be prepared during the post-construction phase and provided to the CPUC and the other responsible agencies.

Concrete Block Anchors

Each concrete block anchor weighs 4,500 pounds and will be set in place with a helicopter. The concrete blocks are 2.5 feet wide by 2.5 feet high by 5 feet long. The "cruciforms" permit multiple blocks to be locked into place with one another. The number of blocks required is determined by the size and type of the leg. On average it typically works out to 2 blocks per location/8 blocks per tower site. Additional blocks are stacked on top of the first two where ground conditions permit. As an example of anticipated trips, 8 blocks per site will 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.

Temporary Concrete block Anchor Locations

(The below list) provides structure locations that have been identified as requiring additional safety measures (i.e., temporary concrete block anchors) to assist with tower leg stability. This variance request will require additional modifications to add additional structures as construction progresses. Shaded cells indicate special-status species. If the placement or removal of the concrete blocks is to occur during the breeding/larval/flight season of any potentially affected special status species, we will adhere to requirements of the Nesting Bird Management and Monitoring Plan and the guidelines set forth in the Special Status Species Construction Monitoring Approach.

Prioritized Structure Locations Requiring Concrete Block Anchors

Private/CPUC:

EP62A-1
EP79
EP80
EP83
EP85-2
EP86-1
EP88-2
EP106-3
EP223-1
EP224-1 Quino habitat
EP254-3

Comments/Conditions:

SDG&E will have qualified, on-site avian biologists search for active nests within the vegetation targeted for removal and within all required buffers per the Nest Survey Protocol (April 27, 2011) and Nesting Bird Management and Monitoring Plan (NBMMP) (January 13, 2012). SDG&E will stop all activities if nests are detected during surveys for proposed vegetation clearing.

SDG&E will not disturb any active nest of protected birds (e.g., MBTA, ESA, state-protected per Fish and Game Code sections 3503 and 3503.5) within the NBMMP buffers until after the nest outcome is complete.

SDG&E will conduct nesting bird surveys in accordance with the NBMMP and Nest Survey Protocol (April 27, 2011) and follow all other approved plans, permits, and mitigation measures.

There will be no removal of trees, large shrubs, or any vegetation that has the potential to support raptor or owl nests.

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, 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. All areas proposed under the request were assessed during the 2009 and 2010 Project preconstruction plant surveys which occurred along the entire right-of-way and 30 feet beyond. No special status plants or wildlife were reported; however, no survey data was provided with the request. Rare plants documented in previous surveys shall be avoided during vegetation clearing

activities unless directly approved by the resource agencies. Please note that habitat assessments shall be required for each area prior to impact.

On February 2 and 7, the CPUC biological consultant coordinated with SDG&E biologists regarding this request and the Variance #36 request. CDFG and USFWS approved the conditions developed for vegetation impacts in the 2012 bird nesting season applicable to the requested areas under this variance as outlined in the Variance #36 approval letter. CDFG and USFWS also provided concurrence with Variance Request #37.

Per USFWS, a permitted Quino biologist will assess each impact sites within one day of impacts within Quino habitat.

Hydrological Resources. All SWPPP and Construction Grading Plan requirements will be implemented to avoid potential impacts.

Cultural and Paleontological Resources. On January 26 and February 8, 2012 review comments were supplied by the CPUC reviewer:

“Based on the Final Paleontological Monitoring and Discovery Treatment Plan, accepted on June 17, 2010, the potential to encounter paleontological resources within the structure locations identified in Variance #37 as requiring additional safety measures to assist with tower leg stability varies from no potential to high potential. However, because the concrete block anchors will be placed by helicopter, no ground disturbing activities will occur within the proposed anchor locations. No NTP conditions are recommended.”

Cultural resources sites were identified near or within two of the proposed tower locations identified in Variance #37. Therefore, in accordance with Mitigation Measure C-01b: Erect protective flagging or other markers for ESA; sites will be flagged off with temporary orange 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.

In the event of an unanticipated discovery of archaeological 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 Historic Properties Management Plan (HPMP).

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

Visual. No visual concerns are noted.

Conditions of Variance Approval.

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

1. The CPUC approval of Variance Request #37 is limited to non-federal lands only. A separate Determination of NEPA Adequacy is being concurrently prepared for anchoring locations on BLM lands.
2. 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.
3. Copies of all relevant permits, compliance plans, and this Variance approval shall be available on site.
4. All conditions pertaining to avian nest surveys and impacts to vegetation covered in Variance #36 apply to this variance during the 2012 nesting season.
5. 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 variance.
6. A full habitat assessment shall be submitted to the CPUC prior to construction in each of the requested areas.
7. A permitted Quino biologist will assess impact sites within one day of impacts within Quino habitat and will monitor all clearing work.
8. SDG&E will not request to remove vegetation in any area not previously surveyed for rare plants. Rare plants documented in previous surveys shall be avoided during vegetation clearing activities unless directly approved by the resource agencies.
9. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
10. Cultural resources sites were identified near or within two of the proposed tower anchoring locations. Therefore, in accordance with Mitigation Measure C-01b, sites will be flagged off with temporary orange fencing and designated as ESAs. ESA buffers around the sites will be established and these sites will be protected as exclusionary zones. Mitigation Measure C-01e 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.
11. In the event of an unanticipated discovery of archaeological materials, they shall be managed in compliance with the procedures and guidelines for Treatment for Unanticipated Discoveries set forth in the HPMP.
12. All unanticipated cultural and biological discoveries shall be immediately reported to the CPUC EM.
13. All complaints received by SDG&E in regard to use of the areas, shall be logged and reported immediately to the CPUC.

Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard

Billie Blanchard

Alan Colton, SDG&E
Sunrise Powerlink Project
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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
Eric Porter, USFWS
Susan Lee, Aspen Environmental Group
Vida Strong, Aspen Environmental Group
Anne Coronado, Aspen Environmental Group