

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



November 14, 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 #30

Dear Mr. Colton,

On November 2, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) for additional parking areas (NTP #13, overhead on non-federal lands), of the Sunrise Powerlink Project.

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 #30 for additional parking areas 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 November 2, 2011, is 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, by CPUC to incorporate the following modifications to the Sunrise Powerlink alignment within non-Federal lands:

Add Temporary Parking Areas at: EP252A, EP78A, EP77, EP64, CP77, and El Capitan Reservoir (near CP75 and CP77)

Because of the close proximity of these work areas to existing roads, no TSAPs were identified; however, work at these sites will require parking for essential support vehicles. Due to the remote nature and narrow width of many of the Project's access roads, SDG&E is requesting approval to use existing disturbed areas as pull-outs and parking areas to allow enough space for vehicles and equipment to park and still leave adequate room for emergency vehicles or other traffic to pass. Portions of the Project roads are too narrow to allow two vehicles travelling in opposite directions to safely pass; the ability to utilize existing spur roads as turn outs or passing areas will minimize the instances in which one of the parties may have

to travel backward for long distances until an approved Project turnout or disturbance area is available. Minor mowing may be necessary on the previously disturbed dirt roads to keep an inadvertent spark from a vehicle coming in contact with dried weeds or vegetation.

Habitat and cultural assessments were performed for each individual work area and are included in their respective sections.

As required under the MMCRP, pre-impact surveys will be conducted where sensitive plant species have the potential to occur. Where sensitive plant populations occur, the impact minimization and mitigation measures identified in the approved Restoration Plan for Special Status Plants (RPSP) (January 3, 2011) will be implemented. For any sensitive plant populations identified in the biological surveys the RPSP requires restoration within the temporary impact area or within undisturbed portions of the Project right-of-way (ROW). These are presented in the individual assessments below.

***Parking and Turnaround Areas for EP252A-1***

The proposed parking area and turnaround site is approximately 55 feet long and 55 feet wide and is located roughly 140 feet southwest of Structure EP252A-1, off of the approved access road for structure EP254-3-E. This is an existing maintenance access spur road for an existing Southwest Powerlink (SWPL) 500 kV tower, and the spur road is maintained by SDG&E and regularly cleared of all vegetation. The parking area and turnaround site are classified as developed, do not contain suitable habitat for any special status plant or wildlife species. No jurisdictional waters or wetlands are present within the proposed site.

The areas adjacent to the proposed parking and turnaround site are classified as Sonoran mixed woody scrub vegetation. This transitional desert habitat surrounding the sites has not been identified as breeding, nesting, or foraging habitat for any special status wildlife species during pre-project or project construction surveys. Occasional observations of red-tailed hawk have been made in this area, but no nests or nesting activities have been recorded. Use of the parking and turnaround site will not result in any significant new impacts to biological resources, and use of the area will be consistent with all applicable Mitigation Measures and Applicant Proposed Measures outlined in the Project MMCRP.

***Parking and Turnaround East of EP78A***

The proposed parking area and turnaround site is an existing 69kV pole site that is approximately 65 feet long and 15 feet wide, and is located approximately 250 feet east of tower structure EP78A. The proposed parking area is classified as developed, and is regularly maintained by SDG&E and cleared of all vegetation but can develop a sparse cover of non-native annual grasses between maintenance visits. The proposed parking area does not contain suitable habitat for any special status plant or wildlife species, and is not designated as a weed control area. No jurisdictional waters or wetlands occur within the proposed parking area. The areas immediately adjacent to the proposed parking area are classified as chamise chaparral habitat, and are dominated by native herbs and shrubs with an understory of non-native grasses.

Several special status species have been documented within the vicinity of the proposed parking area near Cottonwood Creek, which is approximately 800 feet east of the site. This area contains dense wetland and riparian habitat that is occupied by both least Bell's vireo and arroyo toad. In addition, an active bat roost, a coastal rosy boa, and a small population of a special status plant species, sticky gerardia (CNPS List 2.3), have all been documented within approximately 600 feet of the site. To ensure that use of the proposed parking area does not result in any significant new impacts to special status species, the parking area would be surrounded with toad exclusion fencing similar to adjacent work areas prior to project use.

***Parking and Turnaround Areas for EP77***

The proposed parking area and turnaround site is an existing 69 kV pole location that is approximately 45 feet long and 20 feet wide, and is located approximately 100 feet northeast of tower structure EP77 along the approved access road to tower structure EP77-E. The proposed parking area is classified as developed, and is regularly maintained by SDG&E and cleared of all vegetation but can develop a sparse cover of non-native annual grasses between maintenance visits. The proposed parking area does not contain suitable habitat for any special status plant or wildlife species. No jurisdictional waters or wetlands occur within the proposed parking area.

The areas immediately adjacent to the proposed parking area are classified as chamise chaparral, and contain dense cover of native shrubs and herbs. No nesting activity or active nests have been documented in this area during either pre-construction or Project construction surveys. The proposed parking area is located in the vicinity of (approximately 600 feet

west) the dense wetland and riparian habitat associated with Cottonwood Creek (discussed above for the proposed parking area east of tower structure EP78A). This area is occupied by both least Bell's vireo and arroyo toad. In addition, the parking area occurs within the 500-foot buffer for least Bell's vireo. To ensure that use of the proposed parking area does not result in any significant new impacts to special status species, the parking area would be surrounded with toad exclusion fencing similar to adjacent work areas prior to project use, and all project activity in this area will be avoided during the breeding season for least Bell's vireo. ESAs and work exclusion periods will be adhered to consistent with the Project MMC RP.

***Parking and Turnaround Northeast of EP64***

The proposed parking area and turnaround site is an existing 69kV pole that is approximately 55 feet long and 50 feet wide and is located approximately 175 feet northeast of tower structure EP64. The proposed site is classified as developed and is regularly maintained by SDG&E and cleared of all vegetation but can develop a sparse cover of non-native annual grasses between maintenance visits. The proposed parking area does not contain suitable habitat for any special status plant or wildlife species. No jurisdictional waters or wetlands occur within the proposed parking area.

The areas adjacent to the proposed site are classified as chamise chaparral and are dominated by native shrubs. No wildlife species have been documented within this area during pre-construction surveys. This foothill habitat is approximately 2,000 feet west of Potrero Creek, where arroyo toad and a special status species, Tecate tarplant (CNPS List 1B.2), are documented. In addition, coastal rosy boa has been documented approximately 1,000 feet east of the site during pre-Project surveys.

***Parking and Turnaround East of CP 77 (near El Capitan Reservoir)***

The proposed parking and turnaround area is an existing, paved spur road west of El Capitan Reservoir off of El Monte Road, located approximately 250 feet southeast of tower structure CP77. The proposed area contains a main spur, which is approximately 180 feet long and 15 feet wide, and a branch to the northwest that is 100 feet long by 15 feet wide. An existing City of San Diego paved parking lot is adjacent to the turnaround area. The proposed area is classified as developed, no vegetation is present within the paved roadway, and therefore the site does not contain suitable habitat for any special status plant or wildlife species. No jurisdictional waters or wetlands occur within the site.

The area adjacent to the proposed parking and turnaround area is classified as Diegan coastal sage scrub. No special status plant species are documented within the vicinity of the proposed site, pre-construction biological surveys have documented red diamond rattlesnake, Belding's orange-throated whiptail, Coronado skink, tricolored blackbird, and least Bell's vireo within 2,500 feet of the proposed parking area. The proposed area is also located within the vicinity of occupied coastal California gnatcatcher habitat, but is located outside of the 500-foot nest area buffers.

***Parking and Turnaround North of CP75-1 (near El Capitan Reservoir)***

The City of San Diego's paved parking lot is located approximately 800 feet northeast of tower structure CP75-1 and serves as an overlook for the El Capitan Reservoir. The paved area is classified as developed and no vegetation is present; the site does not contain suitable habitat for any special status plant or wildlife species. No jurisdictional waters or wetlands occur within the site. The surrounding vegetation community is classified as Diegan coastal sage scrub. Similar to the proposed parking area and turnaround near tower structure CP77, no special status plant species are documented within the vicinity of the proposed site. Pre-construction biological surveys have documented red diamond rattlesnake, Belding's orange-throated whiptail, Coronado skink, tricolored blackbird, and least Bell's vireo within 2,500 feet of the proposed parking area. However, the proposed area northeast of tower structure CP75-1 is located within the 500-foot nest buffer in occupied coastal California gnatcatcher habitat. Project use of the parking area would be consistent with allowed public uses that occur here year round, and would not be expected to result in any impacts to the coastal California gnatcatcher.

**(Paleontological and cultural discussions have been consolidated below):**

All proposed areas were surveyed for archaeological materials during both preconstruction fielding activities and cultural resources inventories for the Sunrise Powerlink Final Environmentally Superior Southern Route and no cultural resource were found with the exception of one of the **(proposed)** areas as detailed below. The development of the parking areas will not create any impacts to cultural resource sites or features and there are no potential buried site deposits.

One of the parking areas is within the mapped boundary of a cultural resource site but it is a disturbed section of road created for the Southwest Powerlink tower that is nearby. There are no surface artifacts in this disturbed area and the

geology suggests that there is no likelihood of a buried component. Use of this area for parking will not disturb the resource. Environmentally sensitive area (ESA) flagging will be installed around the parking area and along the footpath to limit access by Project personnel.

#### **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.** No suitable habitat occurs within any of the proposed areas; however, several areas fall adjacent to sensitive habitat areas. SDG&E proposed several conditions in their request which are also conditions of this variance approval. The CPUC biological consultant conducted a review of Variance Request #30 and provided the following comments:

While no bird nests or nesting activity was observed during the habitat assessments or other pre-project or construction surveys, impacts to nesting birds could still occur if use of construction/use of access roads, parking areas, or turnarounds was to occur during the nesting season. Therefore, construction may be subject to Mitigation Measure B-8a (Nest Survey Protocol and Nesting Bird Management Plan) to protect nesting birds.

Pre-construction surveys for special status plant species must be conducted for temporary parking or turnarounds (and for access to them) if they are not located along existing, maintained access roads or spur roads or where the ground is not paved or otherwise already covered with material such as gravel (these types of areas would be considered developed). It is acknowledged that the Variance Request does state that pre-impact surveys will be conducted and any impacts mitigated in compliance with the RPSP. The pre-impact surveys need to be conducted in accordance with MM B-5a, which states:

*A qualified biologist shall survey for special status plants in the spring of a year with adequate rainfall prior to initiating construction activities in a given area. If a survey cannot be conducted due to inadequate rainfall, then SDG&E shall consult with the Wildlife Agencies...to determine if construction may begin in the absence of survey data and what mitigation would be required, or whether construction would not be allowed until such data is collected.*

If the surveys cannot be conducted in accordance with MM B-5a (e.g., if they will be conducted in October and not in the spring), it is recommended that SDG&E consult with the Wildlife Agencies. It is acknowledged that the Variance Request states that Environmentally Sensitive Areas (ESAs) would be established where special status plants are found, or the temporary impacts would be mitigated in compliance with the Restoration Plan for Special Status Plants (RPSP).

Variance #30 would not represent substantial changes to the FEIR/FEIS or Project Modification Report and would not create new significant impacts to biological resources. The significance of the impacts listed in the FEIR/EIS also would not change.

**Hydrological Resources.** No locations have been identified as having potential impacts to jurisdictional waters. SDG&E will install BMPs as detailed in the SWPPPs.

**Cultural and Paleontological Resources.** All areas under the request were surveyed for archaeological materials during both preconstruction fielding activities and cultural resources inventoried work for the Sunrise Powerlink Final Environmentally Superior Southern Route. The CPUC cultural consultant reviewed the request and provided review comments on November 3, 2011.

Based on the Final Paleontological Monitoring and Discovery Treatment Plan, accepted on June 17, 2010, the potential to encounter paleontological resources within the requested areas varies from no to low. Also, because the depth of disturbance at the requested parking and turnaround areas will be minimal, no paleontological monitoring will be required.

The Final Inventory Report of the Cultural Resources was accepted on June 2, 2010. A single known cultural resource was identified within one of the proposed parking and turnaround areas. To allow enough space for vehicles and equipment to park and still leave adequate room for emergency vehicles or other traffic to pass, a portion of the approved spur road alignment lies within a previously recorded cultural resource site. During site evaluations, the portion of the site within the Area of Direct Impact (ADI) was determined not to contribute to the overall eligibility of the site. Therefore, in accordance with Mitigation Measures set forth in the Final Historic Properties Treatment Plan (HPTP), ESA flagging will be installed to create a footpath corridor from the parking area to the edge of the tower work area. In addition, archaeological and Native American monitors shall be on-site during the temporary fencing of this ESA.

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 Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP).

**Traffic/Sensitive Land Uses/Noise.** Traffic impacts for use of the proposed areas have been assessed. Use of the proposed areas would be beneficial to traffic conditions on access roads.

**Visual.** The parking areas are previously disturbed and temporary. No visual concerns are 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 #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.

3. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur during active use of the subject sites as part of required biological monitoring activities.
4. 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.
5. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
6. In regard to the parking and turn around area east of EP78A, the parking area would be surrounded with toad exclusion fencing similar to adjacent work areas prior to project use.
7. In regard to the parking and turn around areas or EP77, the parking area would be surrounded with toad exclusion fencing similar to adjacent work areas prior to project use, and all project activity in this area will be avoided during the breeding season for least Bell's vireo (March 15 to September 15 per Mitigation Measure B-7e).
8. Pre-construction surveys for special status plant species must be conducted for temporary parking or turnarounds (and for access to them) if they are not located along existing, maintained access roads or spur roads or where the ground is not paved or otherwise already covered with material such as gravel (these types of areas would be considered developed). Pre-impact surveys will be conducted and any impacts mitigated in compliance with the RPSP. The pre-impact surveys need to be conducted in accordance with MM B-5a, which states: A qualified biologist shall survey for special status plants in the spring of a year with adequate rainfall prior to initiating construction activities in a given area. If the surveys cannot be conducted in accordance with MM B-5a (e.g., if they will be conducted in October and not in the spring), it is recommended that SDG&E consult with the Wildlife Agencies. Documentation of correspondence shall be submitted to the CPUC. ESAs would be established where special status plants are found, or the temporary impacts would be mitigated in compliance with the RPSP.
9. 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.
10. SDG&E shall delineate cultural ESAs and install exclusion fencing. Project-wide archaeological and Native American monitors are to be on-site during the temporary fencing of ESAs and during ground disturbing activities near ESAs. Appropriate fencing shall be verified by the CPUC EM prior to area occupation.

11. In the event of an unanticipated discovery of archaeological or paleontological materials, they shall be managed in compliance with the procedures and guidelines for Treatment for Unanticipated Discoveries set forth in the HPMP and PMDTP.
12. All unanticipated cultural, paleontological, 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.
14. SDG&E shall provide documentation of land owner agreements where applicable to the CPUC prior to use of the parking areas.

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  
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