

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



January 18, 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 #3

Dear Mr. Colton,

On January 6, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to allow limited tree trimming to occur between January 1 and September 15. As requested, this variance applies to the entirety of the 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 Bureau of Land Management (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. Portions of the area requested under this variance do fall under BLM and Forest Service jurisdiction, and separate concurrence from these agencies is required for federal lands under their 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 #3 to allow limited tree trimming to occur between January 1 and September 15 is granted by CPUC for non-federal lands based on the factors described below.

**SDG&E Variance Request.** Excerpts from SDG&E's Variance Request #3, received January 6, 2011, are presented below (indented):

SDG&E is requesting a variance from Mitigation Measure B-81 as presented in the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) issued October 2008 by the California Public Utilities Commission (CPUC) to allow limited tree trimming to occur between January 1 and September 15. SDG&E has discussed the requirement with the United States Fish and Wildlife Service (USFWS), which is similar to Conservation Measure G-CM-50 and they have concurred that trimming may proceed as long as nesting activity is not detected.

Mitigation Measure MM B-8a, and BO G-CM-50 specifically states “Tree trimming or removal will only take place between September 16 and December 31 (i.e., outside the raptor breeding season of January 1 through September 15).”

#### 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 process involved consultation with USFWS and the California Department of Fish and Game (CDFG). USFWS provided their conditional concurrence to limited tree trimming between January 1 and September 15 as provided below on December 21, 2010. CDFG’s conditional concurrence was provided on January 14, 2011.

#### Conditions of Variance Approval

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

1. The CPUC approval of Variance Request #3 is limited to non-federal lands only. Separate approvals for BLM and Forest Service lands are required.
2. All applicable project mitigation measures, APMs, compliance plans, and permit conditions 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 for the duration of construction activities.
4. As required by USFWS, if tree trimming/removal cannot be performed outside of the bird breeding season, project proponents should provide the Service and CDFG an explanation for why work must occur during the bird breeding season. Further, in these cases, project proponents should demonstrate that all reasonable and practicable efforts to complete work outside the bird breeding season were attempted, and that reason for work to be completed during the breeding season were beyond the proponent’s control.
5. During the tree trimming or removal, SDG&E will have a qualified, on-site biologist search for active nests within the trees targeted for trimming/removal or any adjacent trees that could be affected by the trimming/removal activities. Trees shall also be surveyed for cavity nesting birds.
6. If nests are detected, or nesting behavior is observed, then activities will be postponed until the nesting cycle is complete.
7. All active nests of protected birds (e.g., MBTA, ESA, state-protected) will not be disturbed until after nest outcome is complete.
8. As required by CDFG, for any trees proposed for removal after February 9<sup>th</sup>, SDG&E shall resubmit approval requests to CDFG.
9. Any tree trimming or removal within the riparian habitats of the least Bell’s vireo or southwestern willow flycatcher shall only occur outside the breeding season for these species (i.e., shall only occur from September 16 through March 14 as listed in Mitigation Measure B-7e of the Final EIR/EIS), unless a biologist permitted by the USFWS surveys for the least Bell’s vireo and southwestern willow flycatcher within 10 calendar days prior to initiating tree trimming or removal and finds the species

to be absent. If the species are present, then no tree trimming or removal shall occur until the breeding season (March 15 through September 15) has ended.

Please contact me if you have any questions or concerns.

Sincerely,

*Billie C. Blanchard*

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  
Eric Kershner, USFWS  
Erinn Wilson, CDFG  
Susan Lee, Aspen Environmental Group  
Vida Strong, Aspen Environmental Group  
Anne Coronado, Aspen Environmental Group