

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



April 6, 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 #9

Dear Mr. Colton,

On March 29, 2011, San Diego Gas and Electric (SDG&E) submitted a variance request to the California Public Utilities Commission (CPUC) to address Mitigation Measure N-1a requirements in regard to afterhours work for 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 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 #9 to address Mitigation Measure N-1a requirements in regard to afterhours work 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 March 29, 2011, are presented below (indented) with CPUC additions in parenthesis and in bold:

The Mitigation Measure N-1a language provides "SDG&E shall apply for and obtain a variance for construction activities that must occur outside of the daytime hours allowed by local ordinances or within 200 feet of noise-sensitive receptors forty-five days prior to construction."

In accordance with Mitigation Measure N-1a, SDG&E is requesting authorization of this variance to cover all Sunrise Powerlink Project construction activities that must occur outside of the days and/or hours (**currently**) allowed by local ordinances. SDG&E and its contractors propose to continue to coordinate with the local jurisdiction and to apply for and obtain the appropriate approvals/variances for work that must occur outside of the days and/or hours allowed for the

Project. SDG&E will then submit those approvals/variances to the CPUC for record documentation prior to commencing this work.

In accordance with this request, SDG&E will implement the following protocol:

1. SDG&E's contractor will identify instances where they may **(need to)** perform construction activities outside the days and/or hours established by the local jurisdiction.
2. SDG&E and/or its contractor will coordinate and, if necessary, obtain a variance to perform construction activities outside the established days and/or hours from the appropriate local jurisdiction.
3. Variances and/or coordination documentation obtained from the local jurisdiction shall be submitted to the CPUC for their administrative record under this variance prior to commencing work outside of normal Project work hours.

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 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. Any afterhours work which would require the installation of nighttime lighting which has the potential to impact habitat areas, shall be reviewed and approved by the CDFG and USFWS prior to installation of the lighting.

Hydrological Resources. No concerns noted under this variance.

Cultural and Paleontological Resources. No concerns noted under this variance.

Sensitive Land Uses/Noise. Mitigation Measure N-1a allows construction activities to occur in accordance with the requirements of each local ordinance. Variances and/or coordination documentation obtained from the local jurisdiction shall be submitted to the CPUC prior to commencing work outside of currently allowed Project work hours.

All complaints received by SDG&E in regard to activities that must occur outside of the days and/or hours as currently allowed by Mitigation Measure N-1a shall be logged and reported immediately to the CPUC and the local jurisdiction.

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 NTP conditions 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. Variances and/or coordination documentation obtained from the local jurisdiction shall be submitted to the CPUC for their administrative record prior to commencing work outside of Project work hours allowed under Mitigation Measure N-1a (local ordinances).
4. All complaints received by SDG&E in regard to activities that must occur outside of the days and/or hours as currently allowed by local ordinance shall be logged and reported immediately to the CPUC and the local jurisdiction.
5. Any afterhours work which would require the installation of nighttime lighting which has the potential to impact habitat areas, shall be reviewed and approved by the CDFG and USFWS prior to installation of the lighting with documentation supplied to the CPUC.
6. 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.

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
Eric Kershner, USFWS
Erinn Wilson, CDFG
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