

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



April 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 #10

Dear Mr. Colton,

On April 5, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to add 25 feet of extra work space north of the Viejas Creek Bridge along Link 4, Alpine Underground (NTP #10), of the Sunrise Powerlink Project, located within San Diego County.

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 #10 to add 25 feet of extra workspace north of the Viejas Creek Bridge 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 April 5, 2011, are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a variance from the Final Construction Drawings, submitted on June 8, 2010 and the Project Modification Report, approved **(by the CPUC)** on September 22, 2010, to add an additional 25 feet of extra workspace north of the Viejas Creek Bridge. The proposed additional workspace is located immediately north and adjacent to the right-of-way (ROW) and Alpine Boulevard on both the east and west sides of the Viejas Creek Bridge, south of the eastbound lanes of Interstate 8. The workspace areas requested are 170 feet west of the bridge (station 300+00) to the western edge of the bridge and from 160 feet east of the bridge (station 304+00) to the eastern edge of the bridge. SDG&E

would use this workspace to allow access to the north side of the duct bank trench and install a portion of the underground duct bank package on Link 4.

The current work limits near Viejas Creek Bridge do not allow construction crews to safely access the north side of the trench at the bridge approaches. The additional workspace would allow safe excavation, shoring, and install of the trench. The additional workspace would allow for the following activities:

- Trench excavation and backfill
- Shoring installation and removal
- Conduit installation
- Material and equipment handling

Per the conditions of the approved traffic plan and encroachment permits, vehicles and mobile equipment cannot be present outside of the approved ROW. However, in order to construct the duct bank package as shown on the project approved plan and profile drawings, equipment must be placed in areas outside the current surveyed work limits. In order to construct the duct bank as designed this additional construction area is essential. On the north side of the Viejas Creek Bridge the conduit is hung from beneath the bridge. The trenches approaching from the east and the west must swing north around the bridge abutments in order to tie into the conduit along the north side of the bridge. In order to perform the work, equipment must be able to be placed over the trench line, and construction crews will need workspace to install shoring/materials from both sides of the trench. At the requested locations the space to the north of the trench line is not available due to the trench's proximity to the northern work boundary. Coordination is on-going with CalTrans to obtain authorization to work within the CalTrans ROW. Once approval is obtained, SDG&E will submit documentation to the CPUC. **(The County approved Traffic Plan will also need to be amended to include the out of ROW work outlined in this request, and County concurrence shall be provided to the CPUC prior to use of the subject area.)**

A biological survey was performed on March 12, 2011. The additional workspace is adjacent to riparian habitat and is situated between Interstate 8 and Alpine Boulevard around Viejas Creek Bridge. The area supports predominantly nonnative species including wild oat (*Avena barbata*), red foxtail brome (*Bromus madritensis* ssp. *rubens*), poison hemlock (*Conium maculatum*), black mustard (*Brassica nigra*), tree tobacco (*Nicotiana glauca*), Russian thistle (*Salsola tragus*), milk thistle (*Silybum marianum*), and filaree (*Erodium* sp). The native species observed were limited to coast live oak (*Quercus agrifolia*) and California buckwheat (*Eriogonum fasciculatum*). The proposed work area consists of primarily 90% cover of non-native species and 10% cover of native species. Trenching and associated vegetation clearing will occur as part of the duct bank installation **(in previously approved areas)**; however, for all other construction activities in the expanded work limits, the method of clearing will consist of drive and crush. No tree trimming will need to occur in the expanded work limits. The area will be restored to its original conditions after construction is completed. **(Impacts to vegetation may not occur in the area of this request during nesting season until concurrence by the resource agencies has been granted or otherwise permitted under the *Bird Nesting Protocol*, currently under review by the agencies.)** A coyote corpse was located on the site and other observed mammals include California ground squirrel (*Otospermophilus beecheyi*) and bobcat (*Lynx rufus*) tracks were seen nearby. An inactive black phoebe (*Sayornis nigricans*) nest in poor condition was located underneath Viejas Creek Bridge approximately four feet south of the proposed area. A pair of black phoebes was observed around the nest but did not appear to be occupying it. Two bat roosts were found on the north side of the Interstate 8 eastbound bridge, approximately 100 feet away from the Viejas Creek Bridge. The roosts are currently inactive. Should the roosts become active a bat monitor will be onsite to observe construction activities. No other nests or roosts were observed around the immediate area surveyed.

No water resources will be impacted by the use of this construction area. Although the work is within close proximity to the Viejas Creek, the requested area does not encroach into the creek. Appropriate BMP's will be placed along the edge of the disturbed construction zone to mitigate the effects of any storm water event.

A cultural and Native American survey was performed for on March 12, 2011. There were no cultural or Native American resources observed.

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

also included a visit of the subject site the week of April 5, 2011 by the CPUC Lead Environmental Monitor (EM). 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. The proposed work area is highly vegetated. Trenching and associated vegetation clearing will need to occur as part of the duct bank installation in previously approved areas; however, for all other construction activities in the expanded work limits, the method of clearing will consist of drive and crush. No tree trimming will need to occur in the expanded work limits. The area will be restored to its original conditions after construction is completed. Impacts to vegetation may not occur in the area of this request during the nesting season until concurrence by the resource agencies has been granted or otherwise permitted under the *Bird Nesting Protocol*, currently under review by the agencies. Habitat and wildlife were identified at/near the site including unoccupied bat roosts and birds. To avoid harm to nesting birds and roosting bats, SDG&E and its contractors will implement the Project mitigation measures for nesting birds and for roosting bats, and the conditions of this variance approval found below. No impacts to biological resources are anticipated with the implementation of the conditions.

Hydrological Resources. Best Management Practices (BMPs) will be installed in accordance with the Link 4 Storm Water Pollution Prevention Plan (SWPPP).

Cultural and Paleontological Resources. The Final Inventory Report of the Cultural Resources was accepted on June 2, 2010 by BLM and CPUC. A site survey was performed March 12, 2011. No cultural resources are located within the proposed expansion area. Based on the Final Paleontological Monitoring and Discovery Treatment Plan, accepted on June 17, 2010, there is no potential to encounter paleontological resources within Link 4. 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 Final Historic Properties Management Plan (HPMP). No impacts to cultural or paleontological resources are anticipated.

Traffic. The work proposed under this request will require out of right-of-way (ROW) work. The County approved Traffic Plan shall be amended to include the out of ROW work outlined in this request, and County concurrence shall be provided to the CPUC prior to use of the subject area. Per the request, coordination is on-going with CalTrans to obtain authorization to work within the CalTrans ROW. Once approval is obtained, SDG&E will submit documentation to the CPUC.

Sensitive Land Uses/Noise. No concerns noted under this variance.

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 conditions of NTP #10 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. Impacts to vegetation may not occur in the area of this request during nesting season until concurrence by the resource agencies has been granted or otherwise permitted under the *Bird Nesting Protocol*, currently under review by the agencies.
4. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur immediately preceding and during active construction as part of required biological monitoring activities.
5. In compliance with Mitigation Measure B-8a, pre-construction surveys by a qualified biologist for nesting birds within 100 feet of the construction zone within 10 calendar days prior to the initiation of construction shall occur between January 15 and August 15. In addition, nesting surveys by a qualified biologist for sensitive species shall be conducted within 500 feet of the construction zone within 10 days prior to the initiation of construction shall occur between January 1 and September 15. If active nests are found, follow protocols in MM B-8a.
6. If active bird nests are found, 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.
7. Two unoccupied bat dens were identified in close proximity to the work site. Immediately prior to construction, a Bat Biologist shall survey for roosting bats and report the findings to the CPUC. If roosting bats are present a Bat Biologist shall monitor all associated construction.
8. Wildlife found to be trapped will be removed by a qualified Biological Monitor. If the Biological Monitor is not qualified to remove the entrapped wildlife, a recognized wildlife rescue agency (such as Project Wildlife) will be contacted to remove the wildlife and transport it safely to other suitable habitats.
9. 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.
10. 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 following procedures and guidelines for Treatment for Unanticipated Discoveries set forth in the Final HPMP.

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11. The work proposed under this request will require out of ROW work. The County approved Traffic Plan shall be amended to include the out of ROW work outlined in this request, and County concurrence shall be provided to the CPUC prior to use of the subject area.
12. Per the request, coordination is on-going with CalTrans to obtain authorization to work within the CalTrans ROW. Once approval is obtained, SDG&E will submit documentation to the CPUC.
13. If any unanticipated lane restrictions or closures are found to be necessary, prior proof of coordination with emergency service providers and all necessary permits shall be submitted to the CPUC.
14. The Link 4 SWPPP shall be implemented.
15. No fueling shall occur within 100 feet of Viejas Creek.

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
Susan Lee, Aspen Environmental Group
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