PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

August 5, 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 #20

Dear Mr. Colton,

On July 11, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to modify the temporary access road route between CP48-2 and CP49-1, add a pull-site along the access road between CP49-1 and CP50-1, and add a site approximately 600 feet south of CP51-2 to stockpile topsoil (NTP #13, overhead on non-federal lands), of the Sunrise Powerlink Project, within San Diego County, Link 5. Additional information was provided on August 5th.

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 #20 to modify the temporary access road route between CP48-2 and CP49-1, add a pull-site along the access road between CP49-1 and CP50-1, and add a site approximately 600 feet south of CP51-2 to stockpile topsoil 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 July 7, 2011, are presented below (indented) with CPUC additions in parenthesis and in bold:

> SDG&E is requesting a variance from the Project Modification Report, submitted to the CPUC and approved on September 22, 2010, to modify the temporary access road route from Wildcat Canyon Road traveling northeast towards the pull-site between CP48-2 and CP49-1, add a pull-site along the access road between CP49-1 and CP50-1, and add a site approximately 600 feet south of CP51-2 to stockpile topsoil. The modifications proposed in this variance request

will balance the cut and fill required along the road and at the pull sites to eliminate truck import and export of material. The proposed pull site between CP49-1 and CP50-1 will allow construction to complete wire pulling activities from CP43-1 to CP49-1 and CP55 to CP49-1. In addition, the proposed stockpile area south of CP51-2 is needed to store topsoil that will be salvaged during construction and used for restoration of the access road and pull site post-construction. The new access route is designed to (1) reduce environmental impacts by decreasing the number of stream crossings, (2) avoid many large boulders and rock outcroppings, which will reduce the need for blasting and assist in restoration of the access road, and (3) reduce the road gradient to provide a safer access route and reduce the potential for erosion. In addition to the modifications described above, some slight design changes to the pull site between CP48-2 and CP49-1 were made in order to accommodate changes in the road redesign. The access road design change and additional Project features will result in an increase in temporary disturbance area of 61,806 square feet (1.41 acres).

On May 24, 2011, a biological survey was performed on the proposed access road and proposed pull site along the access road. The vegetation community is best categorized as Diegan Coastal Sage Scrub-Disturbed (DCSS-D). Dominant plant species include California sagebrush, California buckwheat, California broom, and laurel sumac. Invasive plants to the region were common and included multiple species of brome grass, short-pod mustard, red-stem filaree, tocalote , and fountain grass. Other plant species observed include slender sunflower, morning glory, cyptantha, chia, miniature lupine, caterpillar phacellia, white sage, rattlesnake weed, skunk bush, wrinkled rush, poison oak, wild hyacinth, and spice bush. Common wildlife observed in the area included canyon wren, red-tailed hawk, turkey vulture, and wrentit. One sensitive animal species, a coastal rosy boa, was observed while surveying the proposed access road. A single sensitive plant species was observed during the survey; Lakeside lilac. The majority of the area supports dense annual and/or perennial vegetation not typically used by Quino checkerspot butterfly. Additionally, no potential Quino host plants were observed in the area during the 2011 biological survey. The survey area does provide low to moderate habitat for California gnatcatcher*;* however*,* it appears the redesign resulted in no significant change in the percentage of potentially impacted CAGN habitat (Diegan Coastal Sage Scrub-disturbed).

On June 4, 2011, a supplemental biological survey was conducted to assess the proposed topsoil stockpile site south of CP 51-2. California broom, laurel sumac, California sagebrush, and chaparral broom were sparsely scattered through the survey area, which is dominated by non-native tocalote, red brome, and short-pod mustard. Additional species observed onsite include Peruvian pepper tree, Italian thistle, prickly sow-thistle, horehound, prickly lettuce, eucalyptus, ripgut brome, and canchalagua. An unmapped ephemeral drainage was observed running north-to-south through a small portion of the site where the east and west sections of the proposed stockpile site connect. The drainage is downstream of delineated jurisdictional drainage number 129-s-29. During wire pulling operations, the west-southwest perimeter will be avoided due to the presence of a seasonal hydrological feature. Wildlife species observed during the survey include lesser goldfinch, phainopepla, Bewick's wren, house finch, California towhee, turkey vulture, mourning dove, Eurasian collared-dove, side-blotch lizard, coastal whiptail lizard, and checkered white butterfly. Although no sensitive plant species were observed within the survey area, one Mexican elderberry occurs within the proposed footprint at the northeast corner of the west stockpile. There are several previously recorded active birds' nests in the vicinity of the proposed stockpile area; however, no new nests or nesting bird behaviors were observed during the survey. On August 5 SDG&E provided that Topsoil will be stored in the requested designated stockpile area on top of visqueen. Appropriate BMPs will be used to protect a jurisdictional waterway located north of the stockpile.

This area **(all areas covered under the variance request)** was surveyed for archaeological materials during cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route (Garcia-Herbst, et al 2010). During that time no sensitive cultural resources were identified in the vicinity of the pullsite and access road and the potential for buried resources is low. The variance will not impact an NRHP/CRHR eligible site and no further cultural resources work is recommended.

On August 5, SDG&E further provided that no cultural or paleontological monitoring is recommended for the locations associated with Variance #20 (CP48-2 and CP49-1 Pullsite Redesign). Although a small number of cultural resources have been recorded in the vicinity of the construction work area, there are no sites recorded in close proximity and the topography and conditions make it highly unlikely that unknown cultural resources will be present. As determined by the Natural History Museum, there are no paleontological resources in this area because of the geological formation.

- SDG&E will avoid the west-southwest perimeter during wire pulling operations.

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. On May 24, 2011, a biological survey was performed on the proposed access road and pull site along the access road. The vegetation community is best categorized as Diegan Coastal Sage Scrub-Disturbed (DCSS-D). One sensitive animal species, a coastal rosy boa was observed. A single sensitive plant species was observed during the survey; Lakeside lilac. The majority of the area supports dense annual and/or perennial vegetation not typically used by Quino checkerspot butterfly. Additionally, no potential Quino host plants were observed in the area during the 2011 biological survey. The survey area does provide low to moderate habitat for California gnatcatcher*;* however*,* it appears the redesign resulted in no significant change in the percentage of potentially impacted CAGN habitat. On June 4, 2011, a supplemental biological survey was conducted to assess the proposed topsoil stockpile site south of CP 51-2. Although no sensitive plant species were observed within the survey area, one Mexican elderberry occurs within the proposed footprint at the northeast corner of the west stockpile. There are several previously recorded active birds' nests in the vicinity of the proposed stockpile area; however, no new nests or nesting bird behaviors were observed during the survey.

The CPUC EM reviewed the sites and found greater than 15 percent vegetative cover at areas proposed under the request. No vegetation clearing will be allowed during the bird nesting season until approval has been granted or otherwise permitted under the approved *Nest Survey Protocol*. To avoid harm to nesting birds, SDG&E and its contractors will implement the Project mitigation measures for nesting birds and the conditions of this variance approval found below.

SDG&E will stockpile and restore the access road and pull site (per the Restoration Plan for Sensitive Vegetation Communities) and salvage sensitive plants where ever possible.

Hydrological Resources. During wire pulling operations, the west-southwest perimeter will be avoided due to the presence of a seasonal hydrological feature. An unmapped ephemeral drainage was observed running north-to-south through a small portion of the stockpile site where the east and west sections of the proposed stockpile site connect. The drainage is downstream of delineated jurisdictional drainage number 129-s-29. Appropriate BMPs will be used to protect a jurisdictional waterway located north of the stockpile area.

Cultural and Paleontological Resources. The proposed areas were surveyed for archaeological materials during cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route (Garcia-Herbst, et al 2010). During that time no sensitive cultural resources

were identified in the vicinity of the pull-site and access road, and the potential for buried resources is low.

On August 5, SDG&E further provided that no cultural or paleontological monitoring is recommended for the locations associated with Variance #20 (CP48-2 and CP49-1 Pullsite Redesign). Although a small number of cultural resources have been recorded in the vicinity of the construction work area, there are no sites recorded in close proximity and the topography and conditions make it highly unlikely that unknown cultural resources will be present.

As determined by the Natural History Museum, there are no paleontological resources in this area because of the geological formation.

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 Final Historic Properties Management Plan (HPMP) and Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP).

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

Visual. The installations are temporary; therefore, no concerns are noted under this request.

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 for the duration of alternate access route.
3. No vegetation clearing will be allowed during the bird nesting season until approval has been granted or otherwise permitted under the approved *Nest Survey Protocol*.
4. Conduct biological monitoring in compliance with Mitigation Measure B-1c. “Biological survey sweeps” are required to occur as part of required biological monitoring activities.
5. 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.
6. Unanticipated biological resource discoveries shall be immediately reported to the CPUC EM.
7. SDG&E will restore areas temporarily impacted (per the Restoration Plan for Sensitive Vegetation Communities) and salvage sensitive plants where ever possible.

8. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
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. The SWPPP shall be implemented. SDG&E provided that topsoil will be stored in the requested designated stockpile area on top of visqueen. Appropriate BMPs will be used to protect a jurisdictional waterway located north of the stockpile.
11. 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 PMDTP.

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
Erinn Wilson, CDFG
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