

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 15, 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 #21

Dear Mr. Colton,

On July 7, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to provide work space and access to transmission line crossings to allow for guarding of facility features crossed by the Sunrise Powerlink overhead transmission line (NTP #13, overhead on non-federal lands), of the Sunrise Powerlink Project, within Imperial County, Link 1.

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 #21 to provide work space and access to transmission line crossings to allow for guarding of facility features crossed by the Sunrise Powerlink overhead transmission line 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 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 the CPUC to provide work space and access to various transmission line crossings to allow for guarding of facilities such as roads, highways, freeways, railroads, communication lines, electric distribution lines and electric transmission lines where the Sunrise Powerlink overhead transmission line crosses over these features. **(The two features being guarded under this request include a 12kV line and Imperial County Highway S2.)**

During the construction phase involving wire stringing activities, lines and conductors are pulled from a tension site to a pull site over a sag/pull section (there are typically five to ten supporting structures between two tension structures). Any crossings (roads, trails, etc.) beneath these sections will require some means of protection in the event that the line or conductor drops below a conventional wire stringing height. This protection is necessary for public safety and prevention of hazardous conditions. To prevent these hazardous conditions SDG&E requests work areas and access to appropriately guard the structures and facilities that may be crossed during the construction of the overhead transmission line. The various methods for guarding wire stringing crossings includes installing wood pole guard structures, positioning a mobile crane, or lowering overhead utilities to the ground. For the locations included within this request, guard wire stringing crossings would involve only wood pole guard structures. This method is described below.

To use wood pole guard structures would require setting several vertical poles alongside and parallel to the point of crossing and installing a horizontal pole (cross-arm) high up above the crossing between these vertical poles. With the conventional wood pole guard structure, the necessary work crew along with materials and equipment are transported to the work site using existing access roads, or by pulling off of the road at the crossing location. In locations where no road or access exists or can be created, crew and equipment will be flown to the locations by helicopter.

Vegetation removal will be required at all locations where direct burial poles will be installed. Trimming and uprooting vegetation will typically be done by hand using hand tools and a chain saw. In some cases a skid steer with mower attachment or a back hoe will be used to clear thick vegetation as appropriate. The estimated area of vegetation removal will be approximately 100 square feet per pole (10 feet x 10 feet). The number of poles at each work site will vary depending on the crossing conditions; the number ranges from two to fifteen with an average of six poles per guard structure location. Additional vegetation impacts may be necessary in order to access the work area. Holes for direct burial poles will be dug by a drilling rig/auger machine as two foot diameter holes to a depth of two feet plus ten percent of the pole length (2 feet + 10 percent of pole length). Pole lengths will vary depending on the pathway being crossed and the height the object is from the ground surface. Pole lengths range from 45 feet to 75 feet with an average pole length of 50 feet. Poles will be delivered to the work site by truck and trailer and unloaded using a crane. At locations inaccessible by road, the poles will be staged at a nearby construction yard and flown to the work site via helicopter. Similar to unloading and delivering the poles, both the poles and cross-arms will be lifted and set in place by either a crane or helicopter. Poles will be backfilled using the native spoils removed from the drilling process and compacted using either a hydraulic or pneumatic tamper.

Habitat and cultural assessments were performed for each individual site and have been included in their respective sections. Any impacts to sensitive plants during construction from these activities shall be restored per the Sensitive Vegetation Restoration Plan, approved by the CPUC on October 30, 2010.

Paleontological Monitors will be present for ground disturbance from the Imperial Valley Substation to EP290 (**this includes both locations proposed under this request**). This is an area of paleontological sensitivity and a qualified paleontological monitor will observe ground disturbing activities at all work areas in these areas.

It is anticipated that these temporary guard structures will remain in place for as long as one month. Upon completion of the wire stringing activities, the guard structure will be dismantled. Direct burial poles set by crane will be removed and backfilled while those set by helicopter will be cut off one foot below the ground level using a chain saw and will be backfilled with native soil. SDG&E will restore areas temporarily impacted by installation and removal of the guard structures (per the Restoration Plan for Sensitive Vegetation Communities) and will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan, approved on November 10, 2010.

SDG&E (or SDG&E subcontractors) has and will continue to coordinate with utilities for guarding activities. SDG&E Sunrise Powerlink Project coordinated with SDG&E Operations and Distribution groups on April 29, 2011, and May 2 and 4, 2011 regarding guarding of existing utility lines.

Guard structure work areas and access include the following locations:

GS-NF-37:

The proposed guard structure will be within the project right of way southeast of Interstate 8 (I-8) between proposed structures EP261-2 and EP259B. The guard structure site will be approximately 270 feet southwest of EP261-2 and approximately 170 feet northwest of EP259B and will box in an existing 12kV distribution line, in Imperial County. Work at this location includes setting of eight guard poles. Temporary impacts associated with the installation of the wood guard poles will result from excavation of the pole holes, placement of the excavated soil, removal of the guard poles upon completion of wire pulling activities, and impacts caused by crewmembers accessing and walking on the areas around the poles.

A biological survey was performed on April 21, 2011 at GS-NF-37. The work area is on cobbled, decomposed granitic soils, on uneven ground, which exhibits several rocky outcrops of granite and steepens to the southeast transitioning into a mountainous area. An existing sandy wash occurs outside of, and to the west of, the proposed work area. Access to the proposed work area will be via an existing road, which will require no improvements. **(Inspection of the site by the CPUC Environmental Monitor (EM) revealed that the site was not accessible by road because of the depth of the wash area adjacent to the area to be guarded as well as surrounding topography. The CPUC EM requested maps showing road access and SDG&E responded in an e-mail dated July 8, 2011 that helicopters shall be used to access the GS-NF-37 site).** Guard poles will be flown in and set by helicopter. The vegetation is categorized as Sonoran Mixed Woody and Succulent Scrub (SMWSS). Dominant shrub and subshrub species include: desert apricot, interior goldenbush, desert jujube, boundary goldenbush, desert scrub oak, desert agave and wolf cholla, with an assemblage of native annual and perennial plants such as cryptantha, chia, Wallace woolly daisy, tall melic, yellow pincushion and non-native grasses including red brome. Although not dominant, other shrubs and subshrubs observed in the area include turpentine broom, bear grass, jojoba, rock rose, western juniper, ephedra, inland California buckwheat, white sage, silver cholla, San Felipe dyssodia, hedgehog cactus, rhatany and desert sunflower. This work area is not in a known weed avoidance area.

Wildlife species observed during the survey include common side-blotched lizard, tiger whiptail, California quail, bushtit, hooded oriole, Wilson's warbler, phainopepla, common raven, and black-tailed jackrabbit. Although slender leaved ipomopsis (CNPS 2.3) is known from a nearby locale, none was observed at the work area during surveys. Wolf cholla (CNPS 4.3 - limited distribution), was observed during surveys. This area is also part of the Peninsular bighorn sheep monitoring compliance area; however, there were no sheep observed **(please note that nighttime work may not occur in this location)**. No nests were observed although a pair of phainopepla was observed in the nearby wash entering and exiting a shrub. A sandy, dry wash occurs to the west of the project work area and will not be affected by guard structure installation. These areas were surveyed for archaeological materials during both preconstruction fielding activities and cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route. The temporary guard structure locations will not directly impact any NRHP/CRHR eligible sites.

GS-BLM-4/GS-NF-41:

The proposed temporary guard structure will be within the project right of way, where the alignment crosses Imperial County Highway S2 (along the north side of the highway), between structures EP296 and EP295. Temporary impacts associated with the installation of the wood guard poles will result from excavation of the pole foundation holes, placement of the excavated soil, removal of the guard poles upon completion of wire pulling activities, and impacts caused by crew members walking around the poles in the work areas. Biological surveys were performed on April 15, 2011 at the GS-BLM-4/GS-NF-41 location. The guard structures will likely be installed along the disturbed edge of the road which is mostly devoid of vegetation. The site is relatively flat and is categorized as Sonoran Creosote Bush Scrub habitat. Plant species observed in the vicinity include cheese bush, desert pincushion, buckwheat, and indigo bush. The site is not in a known weed avoidance area. There were no wildlife species observed within the work area during the survey. The area is within flat tailed horned lizard suitable habitat, but no FTHL were observed at the time of the survey. No sensitive plant or animal species were observed at the work area, and no nests or nesting activities were observed in the vicinity of the proposed guard structures at the time of this survey. There are no jurisdictional drainages recorded in the vicinity of the work areas, and no jurisdictional areas were observed during the survey.

These areas were surveyed for archaeological materials during both preconstruction fielding activities and cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route. Temporary guard

structure locations will not directly impact any NRHP/CRHR eligible sites. Nearby site location will require construction of an ESA prior to the initiation of any guard disturbing activities.

SDG&E will follow the approved Weed Control Plan and SWPPP.

SDG&E will coordinate with the County of Imperial for guarding when necessary.

SDG&E will delineate cultural ESAs at GS-BLM-4/GS-NF-41.

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 lead monitor 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. The CPUC EM reviewed the sites and found greater than 15 percent vegetative cover at the GS-NF-37 location. No vegetation clearing will be allowed for guard structure work at GS-NF-37 during the bird nesting season until direct approval by the resource agencies has been granted or otherwise permitted under the approved *Nesting Bird Management Plan*. The guard structures at the GS-BLM-4/GS-NF-41 location will likely be installed along the disturbed edge of the road which is mostly devoid of vegetation. 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.

The GS-NF-37 area is part of the peninsular bighorn sheep monitoring compliance area therefore nighttime work may **not** occur in this location.

SDG&E will restore areas temporarily impacted by installation and removal of the guard structures (per the Restoration Plan for Sensitive Vegetation Communities) and salvage sensitive plants where ever possible.

Hydrological Resources. A sandy, dry wash occurs to the west of the project work area at GS-NF-37 and will not be affected by guard structure installation. The SWPPP will be implemented.

Cultural and Paleontological Resources. These areas were surveyed for archaeological materials during both preconstruction fielding activities and cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route. The temporary guard structure locations will not directly impact any NRHP/CRHR eligible sites. SDG&E provided that they will delineate cultural Environmentally Sensitive Areas (ESAs) at GS-BLM-4/GS-NF-41.

SDG&E provided that qualified Paleontological Monitors will be present for ground disturbance from the Imperial Valley Substation to EP290. This is an area of paleontological sensitivity. Both guard structure locations fall within this area.

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 guard structure installations are short term and 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 for guard structure work at GS-NF-37 during the bird nesting season until direct approval by the resource agencies has been granted or otherwise permitted under the approved *Nesting Bird Management Plan*.
4. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur during active use of the alternative access route 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. SDG&E will restore areas temporarily impacted by installation and removal of the guard structures (per the Restoration Plan for Sensitive Vegetation Communities) and salvage sensitive plants where ever possible.
7. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
8. The GS-NF-37 area is part of the peninsular bighorn sheep monitoring compliance area; therefore, nighttime work may **not** occur in this location.
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.

11. Where coordination with Imperial County is necessary, documentation shall be supplied to the CPUC.
12. SDG&E shall delineate cultural ESAs at GS-BLM-4/GS-NF-41.
13. Qualified Paleontological Monitors will be present for ground disturbance at both guard structure locations proposed under this request.
14. 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
Eric Kershner, USFWS
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