

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 9, 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 #25

Dear Mr. Colton,

On September 1, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to add vehicle and equipment parking areas at CP20, CP24, CP29-1, and EP240 which have been previously approved by the CPUC as Temporary Extra Workspace (TEWS) areas (NTP #13, overhead on non-federal lands), of 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 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 #25 to add vehicle and equipment parking areas at CP20, CP24, CP29-1, and EP240 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 September 1, 2011, are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a variance from the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) issued October 2008 and the Project Modification Report (PMR) approved on September 22, 2010, to add vehicle and equipment parking areas at CP20, CP24, CP29-1, and EP240. SDG&E proposes the use of four previously disturbed, compacted, and un-vegetated locations previously approved (**by the CPUC**) as Temporary Extra Work Spaces (TEWS) on the Project. Each location is a previously existing and well-used dirt access road that is being used as either alternative access or parking/staging as approved by the TEWS for the Sunrise Powerlink Project Right-of-Way. In the case of EP240, the landowner requested that we (**SDG&E**) use the approved TEWS road in lieu of the approved

Project access to EP240. Activities at these locations would consist of the staging and movement of construction equipment and heavy trucks, and general vehicle parking. The requested areas have been previously disturbed.

Parking and Turnaround Southeast of CP20

The current parking area and turnaround site is an existing dirt road approximately 460 feet long and 14 feet wide. It is approximately 80 feet southeast of CP20, at the end of the existing dirt access road to the structure site (CP20-E). The road has a gradual grade until it ends at State of California land; the vegetation community is categorized as coastal sage-chaparral scrub. The site is dominated by non-native weedy species. The proposed turnaround and parking area is not designated as a weed control area; however, access to this area is through designated weed sites. No special-status plant species were observed at **(or adjacent to)** the site. Several Nuttall's scrub oak, a special-status shrub species, have been documented approximately 180 feet from the proposed turnaround. Additionally, no special-status wildlife species, nests, or nesting activity were observed during the survey.

Parking and Turnaround Southeast of CP24

The proposed parking area and turnaround site is an existing dirt road and pad site associated with an existing power pole. The area is approximately 20 feet east of CP24, at the end of the existing dirt access road to the structure site (CP24-E). The road segment has a gradual grade and the vegetation community is categorized as coastal sage-chaparral scrub. The proposed turnaround and parking area is not designated as a weed control area; however, access to this area is through designated weed sites. No special-status plant species were observed in **(or adjacent to)** the requested area. Additionally, no special-status wildlife species, nests, or nesting activity were observed during the survey.

Parking and Turnaround Southeast of CP29-1

The proposed parking area and turnaround site is an existing dirt road approximately 80 feet long and 14 feet wide. It is to the northwest of CP29-1 off of the existing dirt access road referred to as CP29-1-E-B. The road segment has a gradual grade and the vegetation community is categorized as coastal sage-chaparral scrub intermixed with developed land. The site has prominent non-native weedy species. Several Nuttall's scrub oak, a special-status shrub species, are documented in the area, and were observed along access road CP29-1-E-B, approximately 550 feet north of the proposed turnaround area. No special-status plant species were observed in the requested area. The proposed turnaround and parking area is not designated as a weed control area. Additionally, no special-status wildlife species, nests, or nesting activity were observed in the vicinity of the requested area.

Parking and Turnaround East of EP240

The proposed road is a highly disturbed, privately owned dirt road in San Diego County running from the Sunrise Jacumba Valley Ranch (JVR) construction yard west to an approved access road that runs south to EP240. There are other access roads in this area but this is the landowner's preferred route for Sunrise Powerlink traffic. The area is highly disturbed due to the mining of dirt and the continued use of large equipment on the dirt road by the landowner. The vegetation is categorized as disturbed Sonoran creosote bush scrub. No wildlife species were observed during the survey. No special-status plant or wildlife species were observed during the survey. This area is also not in a known weed avoidance area. It is believed that the additional traffic will not impact the biology of the surrounding area. Surveys were conducted over the proposed access road between the back gate of the JVR construction yard and the gate of the cultivated land to the southwest. The 150-meter-long stretch of access road is on agricultural land that has been repeatedly disturbed over the past 50 years.

All of the areas were surveyed for archaeological materials during cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route. For three of the four areas there were no cultural resources identified in the vicinity of the locations and the potential for buried resources is considered low based on the soil conditions and the field observations. The use of the locations for vehicle staging will not impact any NRHP/CRHR eligible sites.

During the cultural resources survey **(at one of the locations, not being disclosed for the purposes of confidentiality)** a single stone artifact identified as a "core" was discovered. Based on the observed conditions at the time of this discovery, this isolated find was determined to be displaced from its original location, which was impossible to

ascertain due to the high level of ground disturbance in the area. (Isolated finds do not qualify as significant resources under either NRHP/CRHR. SDG&E followed the Inadvertent Discovery protocol that is specified in the Final Historic Properties Management Plan [HPMP].) It is believed that the additional traffic on this well-used road will not impact any cultural resource sites. Cultural resources were identified in the vicinity of the proposed structure location (and an ESA was established). The use of the requested area for vehicle staging and turnaround will not impact any NRHP/CRHR eligible sites and as long as the current ESA fencing is maintained and monitored no further cultural resources work is recommended.

SDG&E will follow the approved Weed Control Plan.

SDG&E will follow the approved Stormwater Pollution Prevention Plan (SWPPP) at the respective locations.

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 Monitors (EMs) visited the areas of the request and approved each site for use under TEWS documentation. 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 proposed areas are all previously disturbed. There were no sensitive wildlife or avian species observed during site surveys at or adjacent to the areas. As outlined in the TEWS approvals and as required under this variance approval, area usage shall be limited to disturbed areas only.

Hydrological Resources. No drainages or water resources will be affected by continued use of the areas. The SWPPP will be implemented at all areas.

Cultural and Paleontological Resources. All of the areas were surveyed for archaeological materials during cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route. For three of the four areas there were no cultural resources identified in the vicinity of the locations and the potential for buried resources is considered low based on the soil conditions and the field observations.

During the cultural resources survey at one of the locations, a single stone artifact identified as a “core” was discovered. Based on the observed conditions at the time of this discovery, this isolated find was determined by SDG&E to be displaced from its original location, which was impossible to ascertain due to the high level of ground disturbance in the area. The CPUC cultural resources consultant has provided that isolated finds do not qualify as significant resources under NRHP/CRHR. As required, SDG&E followed the Inadvertent Discovery protocol that is specified in the HPMP. During that time cultural resources were identified in the vicinity of the proposed structure location and an ESA was established. As provided by SDG&E the use of the requested areas for vehicle staging and turnaround (no ground disturbance is proposed) should not impact any cultural resources with the established ESA in place.

In the event of an unanticipated discovery of archaeological or paleontological materials, all 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 Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP).

No ground disturbance is proposed and the areas have been previously disturbed; therefore, paleontological sensitivity of the area is not a concern.

Traffic/Sensitive Land Uses/Noise. No concerns noted.

Visual. No concerns noted

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 site use.
3. As outlined in the TEWS approvals and as required under this variance approval, area usage shall be limited to disturbed areas only.
4. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur during active use of the subject yard 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. A chronology of nesting activity, including any buffer reductions, specific construction activity nearby, and bird behavior shall be noted in the project nesting log to be submitted on a weekly basis.
6. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
7. As provided by SDG&E, ESA fencing near the proposed use areas shall be maintained and monitored.
8. In the event of an unanticipated discovery of archaeological or paleontological materials, all 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 Final PMDTP.
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.

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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