

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 17, 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 #27

Dear Mr. Colton,

On September 20, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to allow use of two extra workspace locations near Mountain Springs Grade (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 #27 to allow use of two extra workspace locations near Mountain Springs Grade 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 20, 2011, as well as a clarification memo received October 4, 2011 are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a variance from the Final Environmentally Superior Southern Route (FESSR), and related facilities, as identified in the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) issued October 2008 and the Project Modification Report (PMR) for the FESSR that was approved through a Determination Memorandum dated September 22, 2010. SDG&E is requesting a variance for a **(two)** temporary equipment and materials staging area(s) in the Mountain Springs Grade area where Imperial County and San Diego County meet. The area(s) will be used for temporary vehicle parking, equipment staging, and helicopter external loads transfer. No helicopter landing will occur in the staging areas identified as part of this request. Mountain Springs Road and Old US Highway 80 are located west of Ocotillo, California, in the Mountain Springs Grade section of the Interstate 8 (I-8) freeway. The requested area is located between the eastbound and westbound freeway lanes, in a section referred to as the I-8 Island (Island).

Temporary Project use of these areas will reduce impacts to traffic and safety along these portions of I-8. This variance is intended to request staging in previously disturbed gravel or concrete areas. Area #1 consists of a gravel (Class II Base) shoulder and turnout on the eastern edge of the paved Mountain Springs Road. This area was previously submitted as a TEWS for staging and parking of construction equipment and vehicles, and subsequently approved by the CPUC on July 7, 2011. Area #2 includes a concrete portion of the Old US Highway 80 southeast of Mountain Springs Road. Both of these areas are previously disturbed and/or developed. No grading, vegetation removal or road widening is proposed as part of this variance.

There are 13 tower sites located within the Island in proximity to the areas proposed for use. During construction, equipment and materials will be flown via helicopter to the tower sites. When a helicopter is flying with equipment or material hooked externally, this is referred to as an "external load" or a "suspended load." The nearest construction staging yards to the Island (AER, Fromm, and S2 Construction Yards) are all located outside the island, and therefore any helicopter external loads flown from those locations to the Island would require crossing the I-8 freeway. For public safety, when the helicopter is crossing the I-8 freeway with an external load, traffic must be temporarily stopped to allow the helicopter with its load to safely cross. This traffic control involves creating gaps in the traffic flow through the use of California Highway Patrol (CHP) cars to slow and delay traffic, known as CHP Traffic Breaks, also known informally as "rolling blocks." Available work areas within the island are limited due to environmental constraints and terrain, thus necessitating the crossing of I-8 with helicopter external loads from the AER, Fromm, and S2 Construction Yards. The intent of this variance request is to minimize the number and frequency of helicopters crossing the I-8 freeway with external loads, thus limiting the amount of traffic control required during construction of those 13 towers. SDG&E and its contractors have sited locations within Island that can be used to minimize these traffic impacts and to protect public safety. Helicopter construction is occurring within the I-8 Island in compliance with Mitigation Measure V-2d, *Construction by helicopter*. The purpose of helicopter construction in this area is to reduce long-term land scarring and vegetation clearance impacts, and to mitigate for rugged terrain with steep slopes. The ability to drive equipment into the Island via I-8 and store it for helicopter external loads within the Island will reduce the potential for adverse construction related traffic impacts, in compliance with Mitigation Measure T-9a, including potential impacts to emergency vehicles, in compliance with HS-APM-12. SDG&E and its contractor have coordinated with California Department of Transportation (CalTrans), CHP, Imperial County, and the landowner associated with the portion of Old US Highway 80 identified in this request. Joe Hull, CalTrans District 11 Deputy Director of Traffic Operations, and John Markey, CalTrans Permit Engineer, were contacted and confirmed that since the requested area is outside Caltrans' right-of-way (ROW), an encroachment permit would not be required. SDG&E's contractor (PAR) contacted Daniel Alvarez with the CHP on July 7, 2011 and notified them of the requested area and its intended use by PAR. Mr. Alvarez stated that the CHP does not have jurisdiction over visual items and therefore has no requirements for the use of this area by PAR. The CHP has no comment on PAR's proposed use of this area. A site visit was performed on July 8, 2011 by Mr. Alvarez and his supervisor. They confirmed on July 14, 2011 that the CHP has no jurisdiction and therefore cannot comment on the request. Mountain Springs Road is within an Imperial County ROW. Coordination documentation with Imperial County was included with the request. The portion of Old US Highway 80 identified in this request is within private property. SDG&E coordinated with the property owner (Mr. Esther Suckle) on September 12, 2011 and received verbal permission for use of the private road along Old US Highway 80 on September 15, 2011.

A biological survey of both Areas #1 and #2 was performed on September 2, 2011. Area #1 consists of a gravel road shoulder and existing turnout adjacent to the eastern edge of Mountain Springs Road. Area #2 occurs on the existing concrete roadbed (Old US Highway 80) that trends east to west (abutting the eastbound lanes of I-8). Old US Highway 80 terminates on its western end where it meets the eastbound lanes of I-8 and on its eastern end where it intersects with Sunrise Powerlink Access Road EP 269-1-E. The vegetation community that occurs in the general vicinity, outside the proposed areas, consists of Sonoran Mixed Woody Succulent Scrub dominated by catclaw acacia, brittlebush, boundary goldenbush and cholla cactus. No special-status plant species were observed during the survey conduct on September 2, 2011 and none are expected to occur within the impact area. Wildlife species observed in the general area included turkey vulture, red-tailed hawk, common raven, and white-tailed antelope ground squirrel.

Both of the areas occur within U.S. Fish and Wildlife Service (USFWS) Final critical Habitat for federally endangered and state threatened Peninsular bighorn sheep. Although these areas represent highly disturbed/developed, un-vegetated land currently subject to vehicular traffic and other human disturbances, there is a potential for sheep to be present within these areas. The proposed activities are consistent with those evaluated in the November 2010 Biological Opinion. To avoid take of Peninsular bighorn sheep, all construction activities would be subject to the conditions set forth in the

Peninsular Bighorn Sheep Construction monitoring Plan (October 15, 2010) and the November 2010 Biological Opinion. Temporary impacts to Peninsular bighorn sheep (PBS) critical habitat will be mitigated at a 3:1 ratio per Mitigation Measure B-7c. Both locations are located entirely within PBS critical habitat. Area #1 (as shown in the previously submitted map and discussed in the variance request) encompasses 0.13 acres, while Area #2 encompasses 0.48 acres (total of .61 acres). Additionally, the surrounding rocky habitat represents potential habitat for the state listed as threatened barefoot banded gecko. All construction activities would be subject to the conditions set forth in the California Department of Fish and Game (CDFG) incidental Take Permit No. 2081-2010-022-05. No special status wildlife species were observed during the biological survey.

Additionally, habitat and/or man-made structures near the proposed areas are suitable for use by nesting raptors and nesting birds. This area was surveyed for general nesting birds and raptors during the 2011 nesting bird survey season and all known nests in the area have been closed for the year (young have fledged). Surveys were completed in 2011 by WRI, the same contractor who conducted the 2010 eagle nest surveys. As with the 2010 survey there were no golden eagle nests observed in the vicinity of the Mountain Springs area. A burrowing owl habitat assessment was conducted during the site survey. No burrows were observed within 250 feet of the proposed sites and the area has low potential to support burrowing owls based on topography and vegetation structure. Per Mitigation Measure B-7d a survey will be conducted within 30 days prior to the initiation of construction of the sites by a qualified biologist to determine presence or absence within 250 feet. If a burrowing owl is present, no disturbance will occur within 50 meters (approximately 160 feet) of occupied burrows from September 1 through January 31 or within 75 meters (approximately 250 feet) of occupied burrows from February 1 through August 31.

These areas were surveyed for archaeological materials during both preconstruction fielding activities and cultural resources inventoried work for the Sunrise Powerlink Final Environmentally Superior Southern Route. The temporary use of a ruined section of Old US Highway 80 for parking and staging will not create a significant impact on the Old US Highway 80. Additionally, construction of an Environmentally Sensitive Area (ESA) along the roadside adjacent to temporary area #1 will be conducted.

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. Biological reconnaissance was performed on September 2, 2011. No project sensitive plants or wildlife were observed during the survey. The CPUC biological consultant reviewed the request.

Both of the areas occur within U.S. Fish and Wildlife Service (USFWS) Final Critical Habitat for federally endangered and state threatened Peninsular bighorn sheep. The proposed activities are consistent with those evaluated in the November 2010 Biological Opinion. To avoid take of Peninsular bighorn sheep, all construction activities would be subject to the conditions set forth in the Peninsular Bighorn Sheep Construction Monitoring Plan (October 15, 2010) and the November 2010 Biological Opinion. Nighttime work may **not** occur at the subject locations. Additionally, the surrounding rocky habitat represents potential habitat for the state listed as threatened, barefoot banded gecko. All construction activities would be subject to the conditions set forth in the California Department of Fish and Game (CDFG) incidental Take Permit No. 2081-2010-022-05. No special status wildlife species were observed during the biological survey.

The area was surveyed for general nesting birds and raptors during the 2011 nesting bird survey season and all known nests in the area have been closed for the year. No golden eagle nests were observed in the vicinity of the Mountain Springs Grade area in the 2011 survey. A burrowing owl habitat assessment was conducted and no burrows were observed within 250 feet of the proposed sites. Per Mitigation Measure B-7d, a survey will be conducted within 30 days prior to the initiation of construction and the results shall be submitted to the CPUC.

Hydrological Resources. The Link 1 Storm water Pollution Prevention Plan (SWPPP) 1 will be implemented. BMPs will be installed in accordance with the SWPPP.

Cultural and Paleontological Resources. These areas were surveyed for archaeological materials during both preconstruction fielding activities and cultural resources inventoried work for the Sunrise Powerlink Final Environmentally Superior Southern Route. The CPUC cultural consultant reviewed the request and provided review comments on September 27, 2011.

In accordance with Mitigation Measure C-01b: Erect protective flagging or other markers for Environmentally Sensitive Areas (ESA), sites will be flagged off with temporary orange fencing and designated as ESAs. ESA buffers around sites will be established and will be protected as exclusionary zones. Mitigation Measures set forth in the Final Historic Properties Management Plan (HPMP) will be implemented during construction.

A temporary staging area is proposed along an existing concrete section of Old US Highway 80, east of Interstate 8 (eastbound) and southeast of Mountain Spring Road. The Final Inventory Historic Built Environment Report was accepted in April 2011. Segments of Old US Highway 80 (CA-IMP-7886) were identified as eligible to the National Register of Historical Places (NRHP). However, the segment through Mountain Springs Grade was found to be a non-contributing element to the resource as a whole. Therefore, no additional NTP conditions for this staging area are recommended.

Based on the Final Paleontological Monitoring and Discovery Treatment Plan, accepted on June 17, 2010, the potential to encounter paleontological resources at the Mountain Springs Grade area is low. In addition, no ground disturbing activities will take place within the temporary staging areas. No NTP conditions are recommended.

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 Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP).

Traffic/Sensitive Land Uses/Noise. Traffic impacts for use of the areas have been assessed. SDG&E and its contractor have coordinated with CalTrans, California Highway Patrol, and Imperial County.

The CPUC transportation and traffic specialist reviewed the request and contacted a Caltrans Aviation Safety Officer to verify Caltrans acceptance of the proposed use of the areas given their immediate proximity to Interstate 8. Caltrans provided "Caltrans Div of Aeronautics does not have a regulation or policy governing the proposed sites where a variance is being requested. However, the issue of helicopters operating next to main roads & freeways has been investigated by proponents requesting state permits of hospital heliports. From an informal analysis done by a heliport designer consultant,

there are several heliports located next to main roads & freeways in the state. There is no known traffic issue with them and no signs are posted to notify vehicular traffic. It appears they (SDG&E) have all bases covered.”

SDG&E will implement dust control per the Dust Control Plan, as approved by the CPUC on January 20, 2010.

Visual. The extra work space areas are temporary and no visual concerns are 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 alternate access route.
3. 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.
4. 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.
5. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan.
6. The area is part of the peninsular bighorn sheep monitoring compliance area; therefore, nighttime work may **not** occur in this location. SDG&E shall apply conditions of the Peninsular Bighorn Sheep Construction Monitoring Plan and November 2010 Biological Opinion.
7. SDG&E shall apply conditions of the CDFG Incidental take Permit No 2081-2010-022-05.
8. Per Mitigation Measure B-7d, a burrowing owl survey will be conducted within 30 days prior to the initiation of construction of the sites by a qualified biologist to determine presence or absence within 250 feet. Results shall be submitted to the CPUC prior to use of the site.
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.

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11. SDG&E shall be required to comply with all Imperial County standards related to construction, safety and traffic Control as well as the SRP Traffic Plan and established construction and safety practices.
12. SDG&E shall delineate cultural ESAs and install exclusion fencing. Project-wide archaeological and Native American monitors are to be on-site during the temporary fencing of ESAs. Appropriate fencing shall be verified by the CPUC EM prior to area occupation.
13. In the event of an unanticipated discovery of archaeological or paleontological materials, they shall be managed in compliance with the procedures and guidelines for Treatment for Unanticipated Discoveries set forth in the HPMP and PMDTP.
14. All complaints received by SDG&E in regard to use of the areas, shall be logged and reported immediately to the CPUC. This includes complaints relevant to traffic, noise and dust, etc. Complaints should also be forwarded immediately to Imperial County.

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
Susan Lee, Aspen Environmental Group
Vida Strong, Aspen Environmental Group
Anne Coronado, Aspen Environmental Group