

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



December 16, 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 #33

Dear Mr. Colton,

On November 28, 2011, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to allow use of a temporary tower staging access pad (TSAP) at Tower EP87-1 and to modify a pull site at Tower CP-75-1 (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 #33 to allow use of a temporary TSAP at EP87-1 and to modify a pull site at CP-75-1 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 #33, received November 28, 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 to incorporate the following **(temporary)** overhead construction modifications to the Sunrise Powerlink alignment within non-Federal lands:

- a) Temporary Tower Staging Access Pad (TSAP) at Structure EP87-1
- b) Pull Site Modifications at Structure CP75-1 North

To support these modifications, SDG&E assessed construction methods based on an expedited schedule, identified sensitive resources for avoidance/minimization, and completed additional field verification of the construction engineering design. The above-named list of modifications identifies proposed changes to the alignment since the PMR.

The temporary TSAP is required to assist with personnel transport to the structure site at EP87-1. The reasons the TSAP is needed are:

- The nearest approved access roads is 950 feet from the tower site in steep, rugged terrain. The additional site will increase safety by allowing crews closer access to the tower site, with less hiking, and a concomitant decrease in impacts by reducing hiking path length.
- For the safety of personnel on the Project, it is essential to maintain reliable communications. Radio communication towers were strategically sited throughout the alignment, and on the approved TSAP at this location. Therefore, the approved TSAP location at this site is not available for construction activities. **(Please note that a TSAP was originally planned and approved at this location. Therefore allowance of a temporary TSAP will not increase helicopter operations beyond what was originally planned for tower construction.)**
- In addition to alleviating the distance traveled by field personnel, this temporary TSAP will also minimize the time required for evacuation in emergency situations, such as a medical emergency or fire evacuation.

The pull site from CP75-1 to Poles CP87 and CP88 lies at the base of a hill below structure CP75-1. The pull site was laid out without the benefit of the tower being in place and, therefore, it was not obvious until the tower was constructed that the angle down from the lower arms to the work area would not allow the pulling lines to clear the ground. Moving the puller location further back and outside the original area limits will provide sufficient clearance between the pulling line and the ground surface.

Project activities at all of the proposed work areas will be conducted in accordance with the same impact avoidance, minimization, monitoring, and mitigation measures that apply to all other Project impact areas.

All impacts associated with this request are temporary in nature. The additional temporary impacts to sensitive vegetation communities will be restored per the Sensitive Vegetation Restoration Plan, approved by the CPUC on October 30, 2010. Additionally, impacts will be mitigated through offsite conservation of like vegetation. A final accounting of impacts and mitigation will be prepared during the post-construction phase and provided to the CPUC and the other responsible agencies.

SDG&E will implement the approved 2009/2010 Weed Control Plan for the Environmentally Superior Southern Route of the SDG&E Sunrise Powerlink Project (Weed Control Plan; December 23, 2010). Most of the modifications proposed in this document are relatively far from any identified medium to heavy invasive weed areas.

#### **TEMPORARY TOWER STAGING ACCESS PAD (TSAP)**

##### *EP87-1*

The proposed TSAP is approximately 375 feet north of structure EP87-1, and east of an existing dirt access road. No sensitive plant species were observed within the proposed impact area. Previous protocol rare plant surveys (performed over the 2009 and 2010 season) covered the original TSAP (approximately 50 feet to the south) **(radio communications equipment including a radio tower currently occupy the originally approved site, thus necessitating a temporary TSAP at this location)**. Sticky geranium was the only special status plant observed within one (1) mile of EP87-1 with the nearest location approximately 1200 feet to the west. This plant flowers in May and June and is easily identified during other times of the year by the remnants. This plant was not observed in the proposed TSAP and is not expected to occur.

Sensitive wildlife species previously recorded in the vicinity are limited to western spadefoot. However, based on the dense vegetation and lack of appropriate soils utilized by western spadefoot this species is not expected to be impacted by this variance. No sensitive wildlife species were observed at the proposed work area at the time of the survey and no impacts to sensitive wildlife are expected. Additionally, no nests or nesting activity was observed in the vicinity of the proposed temporary TSAP during the survey.

In accordance with the CGP, SWPPPs have been prepared for all construction activities, including the use of TSAPs, to mitigate erosion and prevent the transport of sediment and pollutants associated with construction materials from leaving the Project site. Best Management Practices (BMPs) would include fiber rolls and gravel bag berms. In addition, all other SWPPP and CGP requirements will be implemented to avoid potential impacts.

## PULL SITE MODIFICATION

### *CP75-1 North*

The proposed pull site modification includes slightly extending the previously approved location of Pull Site 75-1 North to allow a better angle for wire pulling. Pull Site 75-1 North is located near El Capitan Reservoir at the end of an existing dirt road (CP75-1 PS-E) off the extension of El Monte Valley Road within the City of San Diego's El Capitan Reservoir park (north-northeast of structure CP75-1). SDG&E requests permission to extend the pull site to the west for a distance of approximately 50 feet. The existing site is relatively flat but slopes up at the western extension end, and is adjacent to vegetation categorized as coastal sage scrub and southern mixed chaparral habitat. Approximately 1,295 square feet of disturbed coastal sage scrub/southern mixed chaparral vegetation will be removed by the western 50-foot extension of Pull Site 75-1 North. The site will be restored per the Sensitive Vegetation Restoration Plan.

Special status plant species previously recorded in the vicinity during the 2009 and 2010 protocol were limited to delicate clarkia. However, appropriate habitat for this species does not occur within the proposed impact area. Additionally, the protocol surveys covered at least a 30-foot buffer of all work areas and the majority of the proposed area was covered during those surveys **(the entire area was not covered and special conditions are discussed in the biological evaluation section below)**. No sensitive plant species were previously recorded within portions of the proposed impact area during the protocol surveys.

No wildlife species were observed within the site during the survey. Roosting raptors and owls have been previously recorded within the Eucalyptus trees that line the paved road along the southern edge of the reservoir. Sensitive wildlife previously recorded in the vicinity includes Belding's orange throated whiptail, coastal cactus wren, and Northern red-diamond rattlesnake. Nesting habitat for coastal cactus wren does not occur within the proposed extension area. Both Belding's orange-throated whiptail and northern red-diamond rattlesnake have potential to occur in the coastal sage chaparral scrub that will be impacted by the extension of this pull site. Per the Project Mitigation Measures a biologist will be present during any vegetation clearing and will perform a sweep prior to any work. Impacts to habitat for these species are mitigated through site restoration and off-site conservation. The proposed extension area supports suitable California gnatcatcher habitat. The protocol California gnatcatcher surveys performed in both 2009 and 2010 that covered the extension area were negative. To minimize temporary impacts to this species, vegetation removal required during the pull site modification will occur outside of gnatcatcher nesting season. Temporary impacts to unoccupied suitable California gnatcatcher habitat (1,295 square feet) will also be mitigated through onsite restoration and offsite conservation. No other impacts to state or federally listed species are expected as a result of this variance.

Waters of El Capitan Reservoir are located approximately 150 feet north of the CP-75-1 site. In accordance with the CGP, SWPPPs have been prepared for all construction activities including pull site use to mitigate erosion and prevent the transport of sediment and pollutants associated with construction materials from leaving the project site. Erosion and sediment will be controlled through the use of BMPs. Due to the proximity of El Capitan Reservoir, fiber rolls, silt fence, and gravel bag berms are anticipated to be utilized. In addition, all other SWPPP and CGP requirements will be implemented to ensure no impacts to the El Capitan Reservoir occur.

Impacts to all wildlife species will be minimized through implementation of the Project Mitigation Measures.

**(The cultural discussions for each area have been extracted and consolidated as follows. In addition sensitive information has been removed for confidentiality purposes.)** All proposed areas were surveyed for cultural resources during both preconstruction fielding activities and cultural resources inventory work for the Sunrise Powerlink Final Environmentally Superior Southern Route (Garcia-Herbst, Iversen, Laylander, and Williams 2010). The previous site boundary for an identified cultural resource crosses into the Project area at one of the proposed locations, however, this site was mis-mapped and the area is actually located off of the established site footprint. The site therefore does not occur in the proposed project ADI. No artifacts were found in association with the site and the potential for buried cultural

deposits in this area is low. Neither of the proposed locations would impact NRHP/CRHR eligible sites and no further cultural resources work is recommended.

### **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 all areas of the request to review access constraints and confirmed that each proposed area appeared necessary. The following discussion summarizes analyses 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 Biological reviewer provided comments on December 5, 2011:

- While no bird nests or nesting activity was observed during the habitat assessments, impacts to nesting birds could still occur if construction was to occur during the nesting season. Therefore, construction may be subject to Mitigation Measure B-8a (Nest Survey Protocol and Nesting Bird Management Plan) to protect nesting birds.
- Variance #33 would not represent substantial changes to the FEIR/EIS or Project Modification Report (PMR) and would not create new significant impacts to biological resources. The types of potential impacts were already assessed in the FEIR/EIS as Class I or Class II, so they would not present new significant impacts that would require additional CEQA/NEPA analysis. The significance of the impacts listed in the FEIR/EIS also would not change (i.e., Class I impacts would remain as Class I impacts, Class II impacts would remain as Class II impacts, etc.), and no new mitigation measures would be required. All applicable mitigation measures would still apply, as conditioned below.

The dates of the habitat assessments were not provided; therefore, it is not known whether or not certain special status, annual plant species would have been detectable. In previous memorandums for variance requests regarding special status plants, it was stated that the assessments may have been done too late to detect special status, annual plant species. Therefore, SDG&E shall either verify that protocol surveys and/or habitat assessments of the subject sites occurred in the spring prior to June or provide concurrence from the resource agencies that work can commence without the appropriately timed surveys.

**Hydrological Resources.** As provided by SDG&E, Waters of El Capitan Reservoir are located approximately 150 feet north of the CP-75-1 site. In accordance with the Construction General Permit (CGP), Storm Water Pollution Prevention Plans (SWPPPs) have been prepared for all construction activities including pull sites and TSAPs to mitigate erosion and prevent the transport of sediment and pollutants associated with construction materials from leaving the project site. Erosion and sediment will be controlled through the use of BMPs. The State Water Resources Control Board reviewed the request and had no comments.

**Cultural and Paleontological Resources.** On November 28, 2011, the CPUC cultural consultant provided review comments on the Variance #33 request.

Based on the Final Paleontological Monitoring and Discovery Treatment Plan, accepted on June 17, 2010, there are no sensitive paleontological resources located on non-Federal lands near structures CP75-1 and EP87-1. No additional conditions are recommended.

A temporary TSAP is proposed north of structure EP87-1 and east of an existing dirt access road. The Final Inventory Report of the Cultural Resources was accepted on June 2, 2010 (Garcia-Herst et al. 2010). No known cultural resources were identified within the proposed TSAP site. No additional conditions are recommended.

The extension of a previously approved pull site is proposed north of Pull Site 75-1 to allow a better angle for wire pulling. The Final Inventory Report of the Cultural Resources was accepted on June 2, 2010 (Garcia-Herst et al. 2010). No known cultural resources were identified within the proposed pull site extension. No additional 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 Historic Properties Management Plan (HPMP) and Final Paleontological Monitoring and Discovery Treatment Plan (PMDTP).

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

**Visual.** The proposed temporary TSAP under this variance request will be restored at the end of construction 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 and permit conditions including, Biological Opinion, and Special Status Species Construction Monitoring Approaches shall be implemented. The 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 sites including vegetation removal activities as part of required biological monitoring activities.
4. The pull site proposed to be modified in this request occurs within suitable California gnatcatcher habitat. Vegetation removal shall occur outside of California gnatcatcher nesting season at this location.
5. Please note that prior to use of the proposed areas, SDG&E shall either verify that protocol surveys and/or habitat assessments of the subject sites occurred in the spring prior to June or provide

concurrency from the resource agencies that work can commence without the appropriately timed surveys.

6. If active nests are found, follow protocols in MM B-8a, the Nest Survey protocol and Nesting Bird Management Plan. 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
7. SDG&E will restore the temporary TSAP and pull-site areas post construction per the requirements in the Restoration Plan. Additionally, impacts will be mitigated through offsite conservation of like vegetation. A final accounting of impacts and mitigation will be prepared during the post-construction phase and provided to the CPUC and the other responsible agencies.
8. SDG&E will control the spread of invasive plant species by implementing the 2009/2010 Weed Control Plan at all locations.
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. In accordance with the CGP, SWPPPs have been prepared for all construction activities including pull sites and TSAPs to mitigate erosion and prevent the transport of sediment and pollutants associated with construction materials from leaving the project site. Erosion and sediment will be controlled through the use of BMPs.
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  
Susan Lee, Aspen Environmental Group  
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