

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



February 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 #5

Dear Mr. Colton,

On February 1, 2010, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) for modified use and access to the Wilson Construction Yard, and culvert installation along Smith Driveway off Bell Bluff Truck Trail approved for use under NTP #11, Suncrest Substation (Link 3) of the Sunrise Powerlink Project, located within San Diego County.

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 area requested under this variance does not fall under Forest Service jurisdiction.

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 #5 for modified use and access to the Wilson Construction Yard, and culvert installation along Smith Driveway off Bell Bluff Truck Trail 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 February 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 (EIR/EIS) issued October 2008 and CPUC NTP #11 issued December 16, 2010, to perform site improvements based on coordination with various agencies, unexpected heavy rains at the Wilson Construction Yard and along Bell Bluff Truck Trail, and the need for additional site security. More specifically SDG&E is requesting the following site improvements:

1. The addition of a culvert on a driveway (Smith Driveway) that spurs off of Bell Bluff Truck Trail

On September 21, 2010, SDG&E “met and conferred” with Ken Brazell of the Department of Public Works for the County of San Diego to review the grading plans for Bell Bluff Truck Trail. The County subsequently requested that culverts be installed across the Smith Driveway, off of Bell Bluff Truck Trail to reduce potential safety concerns of water sheet flow across Bell Bluff Truck Trail. The design of these culverts necessitates the improvements associated with the culverts to extend outside of the current construction limits. SDGE requests this additional area, including access to the location of the culvert as requested by the County of San Diego, be added to the construction limits. No vegetation grubbing will occur outside the revised right of way. A biological survey was performed along the area proposed for the culvert on January 29, 2011. Approximately 0.03 additional acres would be disturbed as a result of installing the culvert. This area is comprised of California buckwheat (*Eriogonum fasciculatum*) and low lying non-native grasses. This area was previously surveyed for coastal California gnatcatcher; however the habitat in this area is very low quality coastal California gnatcatcher habitat and is unlikely to support this species. No California gnatcatchers have been observed in the area.

2. Secondary Construction Yard Entrance

Recent heavy rains have precluded construction of the entrance to the Wilson Construction Yard. To facilitate construction of the yard, SDG&E is requesting a variance from the final construction plans of the Wilson Construction Yard, previously submitted to the CPUC on September 2, 2010 to include a secondary entrance on the eastern end of the previously approved entrance to avoid the waterlogged area during times of heavy rains that may obstruct the use of the primary entrance. Vehicular traffic has the potential to cause additional erosion and safety issues at the primary entrance. The location of the secondary entrance was coordinated and agreed to by the parcel owner on January 25, 2011. A biological survey was performed for the proposed expanded entrance on January 29, 2011. The extended entrance area is approximately 75' wide. The area has been previously disturbed and used as grazing land for cattle. The area consists of non-native grasses with patches of California Buckwheat (*Eriogonum fasciculatum*). There are no nesting birds within the proposed extended entrance area. No significant biological impacts are anticipated to occur as a result of expansion of this entrance.

3. Addition of a temporary water storage pond within the limits of construction at the Wilson Construction Yard

The quantity of water needed for mass grading and compaction of the Suncrest Substation pad necessitates a holding area for water in close proximity to construction of the pad. Water will be needed more rapidly than what can be trucked in. Approved as part of NTP#11, SDG&E would deliver potable water to the **(existing)** Wilson Ponds for storage until such a time as it is needed to support construction. During public review of the Wilson Pond usage, Sweetwater Authority voiced concern over the potential import of potable water into the Wilson Pond. To avoid potential environmental impacts associated with adding potable water into the existing Wilson Ponds, SDG&E would like to request the addition of a separate temporary pond. The lined pond would be located within the limits of construction of the Wilson Construction Yard, approved as part of NTP#11. Thorough focused biological surveys, nesting bird surveys, and generalized biological assessments and monitoring have been completed for the yard and were approved as part of NTP #11. As provided by e-mail on February 7, 2011, the soil used to build the temporary pond will be balanced between the cut and fill. No soil will be exported or imported to build the pond. During a conversation with SDG&E on February 7, 2011 information was given that the pond will be removed at the conclusion of construction and the area will be fully restored. **(During pond construction, top soil shall be segregated and stored at the yard with proper erosion control and replaced after the pond is removed.)**

4. Temporary Time-lapse Security Camera Installation

To ensure site security during construction, SDG&E is requesting a variance to include the installation of a temporary time lapse camera on the southern facing slope of the hill directly north of the pad site. The camera and solar panels will be either attached to a previously placed wooden fence post (not installed by San Diego Gas & Electric) or a 12-inch diameter hole will be augered 4 feet deep by hand for placement of a concrete foundation with an embedded 4-inch diameter, galvanized pole to support the camera assembly (for windy conditions). The expected temporary ground disturbance is approximately 2 square feet and the camera apparatus will be installed for the duration of the pad construction, building, and installation of the substation. Access to the camera location is by foot and will require no vegetation trimming. A biological survey was performed January 25, 2011. The habitat is characterized by chemise chaparral that included species such as : Chamise (*Adenostoma fasciculatum*), chaparral yucca (*Yucca whipplei*), dearwood (*Lotus scoparius*), and white leaf Manzanita (*Arctostaphylos viscid*).

A cultural survey was performed along Bell Bluff Truck Trail for the aforementioned site improvement locations on January 25, 2011. The site was surveyed at 15 meter intervals, inspecting all open areas of the ground surface. Ground surface visibility was poor (<25%) throughout with oak trees and thick grass covering most of the survey area. Dense chaparral scrub was present in the locations for site improvements on the westerly end. No cultural resources were observed in the surveyed area. A few small, highly weathered granite boulders are present near the easterly end of the locations. There were no milling features noted on these boulders. The proposed location for the security camera is steep and not conducive to prehistoric use. There was no evidence of artifacts or alteration of bedrock noted in the area identified for the proposed camera location. No previously recorded resources were identified in the records search.

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. This review also included a visit of the subject site the week of February 1, 2011 by the CPUC Lead Environmental Monitor (EM). The following discussion summarizes this analysis for biological, cultural, paleontological, and hydrological resources, sensitive land uses/noise, and other issue areas. 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. According to biological reports, coastal California gnatcatcher (federally threatened), has the potential to occur near the site. To avoid harm to these species, nesting birds and other wildlife species, SDG&E and its contractors will implement the protective measures noted below. No impacts to biological resources are anticipated with the implementation of the conditions.

Hydrological Resources. Best Management Practices (BMPs) will be installed in accordance with the Link 3 SWPPP 1 Storm Water Pollution Prevention Plan (SWPPP).

Cultural and Paleontological Resources. The Final Inventory Report of the Cultural Resources was accepted on June 2, 2010 by BLM and CPUC. No cultural resources are located within the associated access road (Bell Bluff Truck Trail) or the Wilson Construction Yard. Based on the Final Paleontological Monitoring and Discovery Treatment Plan, accepted on June 17, 2010, there is no potential to encounter paleontological resources within Link 3. In the event of an unanticipated discovery of archaeological 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 HPMP. No impacts to cultural or paleontological resources are anticipated.

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

Other Issue Areas. No concerns noted under this variance.

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 #11 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 construction activities.
3. No clearing or disturbance to native vegetation shall occur inside or outside of approved work areas.
4. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur immediately preceding and during active construction as part of required biological monitoring activities.
5. In compliance with Mitigation Measure B-8a, pre-construction surveys by a qualified biologist for nesting birds within 100 feet of the construction zone within 10 calendar days prior to the initiation of construction shall occur between January 15 and August 15. In addition, nesting surveys by a qualified biologist for sensitive species including Coastal California gnatcatcher, coastal cactus wren, grasshopper sparrow and raptors shall be conducted within 500 feet of the construction zone within 10 days prior to the initiation of construction shall occur between January 1 and September 15. If active nests are found, follow protocols in MM B-8a.
6. If active bird nests are found, 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.
7. Wildlife found to be trapped will be removed by a qualified biological monitor. If the biological resource monitor is not qualified to remove the entrapped wildlife, a recognized wildlife rescue agency (such as Project Wildlife) will be contacted to remove the wildlife and transport it safely to other suitable habitats.
8. All crew members shall be Safe Worker and Environmental Awareness Program (SWEAP) trained prior to working on the project. A log shall be maintained on-site with the names of all crew personnel trained. For any crew members with limited English, a translator shall be on-site to ensure understanding of the training program. In place of a translator, the SWEAP training brochure can be provided in Spanish or other languages as appropriate. All participants will receive a hard-hat sticker for ease of compliance verification.
9. In the event of an unanticipated discovery of archaeological 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 following procedures and guidelines for Treatment for Unanticipated Discoveries set forth in the Final HPMP.
10. If any unanticipated lane restrictions or closures are found to be necessary, prior proof of coordination with emergency service providers and all necessary permits shall be submitted to the CPUC.
11. As proposed, the SDG&E Environmental Monitoring Program will be implemented during construction which will include implementation of the applicable environmental plans (as defined in HS-APM-1, HS-APM-2, HS-APM 3, HS-APM-8 and HS-APM-10. An Environmental Field Representative will be on site to observe and document adherence to the applicable environmental plans.

12. 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.
13. The Link 3 SWPPP shall be implemented.
14. Prior to construction of the temporary pond, top soil shall be removed and stored on-site. The temporary pond shall be removed from the Wilson Yard at the completion of occupancy. The area shall be restored to original condition. Immediately prior to pond removal biological sweeps shall be conducted to ensure protection and safe removal of wildlife.
15. No fueling shall occur within 100 feet of the existing or temporary ponds at the Wilson Yard.
16. At the conclusion of construction the security camera shall be removed.

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
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