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Department of
Agriculture

Forest
Service

Cleveland National Forest
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Date: December 7, 2012

Leroy E. Gomez
Right of Way Agent
San Diego Gas & Electric Company
8335 Century Park Court
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San Diego, CA 95123-1548

Dear Mr. Gomez:

I have completed my review of the Preliminary Plan of Development (POD) submitted by San Diego Gas & Electric (SDG&E) on September 6, 2012. Thank you for incorporating design features into your project proposal to address many of the Forest Service resource issues that we have worked on over the past several years. The POD represents a significant milestone in the process of developing a Master Special Use Permit (MSUP) for the SDG&E powerlines on the Cleveland National Forest. I have enclosed the detailed comments from my staff, but would like to highlight three items that need to be addressed before we begin scoping for the project.

The first is the development of the draft Operation and Maintenance Plan and draft Fire Plan. The final plans will be an important part of the MSUP, and I want to make sure they are available to the public as part of the project scoping. We have good working drafts of both documents that need some minor revisions to make them consistent with the plans developed for the Sunrise Powerlink permit.

The second item is the proposed wood-to-steel conversion of the Boulder Creek line (TL-626). Road access to this line is problematic, and it is located in an area being considered for Recommended Wilderness. The POD eliminated alternative routes from detailed study; however that is a decision that I need to make after evaluating reasonable alternatives. I'd like to have SDG&E staff work with my staff to develop at least one alternative route for TL 626. Once that task is complete I will determine which route to include in the proposed action.

The third and final item is the wood-to-steel conversion of the Skye Valley distribution line (C-157). This line crosses through two designated wilderness areas. I will not be able to include the upgrade to the line through wilderness as part of the proposed action because it would not be consistent with the Wilderness Act. I'd like to have SDG&E staff work with my staff to develop a proposal that is consistent with the Wilderness Act that can be included as part of the proposed action.



I expect that we can resolve these items in short order so that we can begin scoping early next year. Please contact Debbie Hobbs, Lands and Special Uses Program Manager at (858) 674-2904 if you have any questions about the comments.

Sincerely,


WILLIAM METZ
Forest Supervisor

Enclosure

**Cleveland National Forest
Review of the San Diego Gas & Electric
Preliminary Plan of Development
For the Master Special Use Permit
November xx 2012**

The following comments apply to the Preliminary Plan of Development (POD) submitted by San Diego Gas & Electric (SDG&E) in September 2012. The first section of the review comments follows the POD outline and uses the POD section numbers for reference. The second section of the review has general comments organized by subject.

Section I. POD Review

2.0 Purpose and Need

As described in the POD the purpose of the project remains the same as it was described in the Environmental Assessment (EA) released in March 2009. The EA describes the connection between the project purpose and the Land Management Plan (LMP) goals, objectives, strategies, and standards. The key items are reiterated here to emphasize their importance to the project.

Goal 7.1 - Retain natural areas as a core for a regional network while focusing the built environment into the minimum land area needed to support growing public needs.

Facilities supporting urban infrastructure needs are clustered on existing sites or designated corridors, minimizing the number of acres encumbered by special-use authorizations. Special-uses serve public needs, provide public benefits, and conform to resource management and protection objectives. All uses are in full compliance with the terms and conditions of the authorization. There is a low level of increase in the developed portion of the landscape as measured by road densities; in fact, over time, the built environment is shifted away from or designed to better protect resource values (LMP Part 1, Page 48).

Lands 2 - Non-Recreation Special Use Authorizations (LMP Part 2, Cleveland Strategy, Page 112)

Administer existing special-use authorizations in threatened, endangered, proposed and candidate species habitats to ensure they avoid or minimize impacts to threatened, endangered, proposed and candidate species and their habitats, cultural and scenic resources, and open space values.

Efficiently administer special-use authorizations (SUAs) on National Forest System lands.

Work with special-use authorization holders to better administer National Forest System land and to reduce administrative cost.

Require special-use authorizations to maximize opportunities to co-locate facilities and minimize the encumbrance of National Forest System land.

For special-use authorization holders operating within threatened, endangered, proposed and candidate species key and occupied habitats develop and provide information and education on the ways to avoid and minimize effects of their activities on occupied threatened, endangered, proposed and candidate species habitat.

Use signing, barriers, or other suitable measures to protect threatened, endangered, proposed and candidate species in key and occupied habitats within the special-use authorization areas.

Plan Standards

S42: Include provisions for raptor safety when issuing permits for new power lines and communication sites (see guidelines in [Forest Plan] Appendix G). Also implement these guidelines for existing permits within one year in identified high-use flyways of the California condor, and within five years in other high-use raptor flyways. Coordinate with California Department of Fish and Game, U.S. Fish & Wildlife Service, and power agencies to identify the high-use flyways (LMP Part 3, Page 9).

Based on the updated proposed action described in the POD, some additional LMP standards will need to be addressed, including:

S5: Treat all freshly cut live or recently dead conifer stumps with a registered fungicide to prevent the establishment of annosus root disease.

S9: Design management activities to meet the Scenic Integrity Objectives (SIOs) shown on the Scenic Integrity Objectives Map.

S10: Scenic Integrity Objectives will be met with the following exceptions:

- Minor adjustments not to exceed a drop of one SIO level is allowable with the Forest Supervisor's approval.
- Temporary drops of more than one SIO level may be made during and immediately following project implementation providing they do not exceed three years in duration.

S11: When occupied or suitable habitat for a threatened, endangered, proposed, candidate or sensitive (TEPCS) species is present on an ongoing or proposed project site, consider species guidance documents (see Appendix H) to develop project-specific or activity-specific design criteria. This guidance is intended to provide a range of possible conservation measures that may be selectively applied during site-specific planning to avoid, minimize or mitigate negative long-term effects on threatened, endangered, proposed, candidate or sensitive species and habitat. Involve appropriate resource specialists in the identification of relevant design criteria. Include review of species guidance documents in fire suppression or other emergency actions when and to the extent practicable.

S12: When implementing new projects in areas that provide for threatened, endangered, proposed, and candidate species, use design criteria and conservation practices (see Appendix H) so that discretionary uses and facilities promote the conservation and recovery of these species and their habitats. Accept short-term impacts where long-term effects would provide a net benefit for the species and its habitat where needed to achieve multiple-use objectives.

S18: Protect known active and inactive raptor nest areas. Extent of protection will be based on proposed management activities, human activities existing at the onset of nesting initiation, species, topography, vegetative cover, and other factors. When

appropriate, a no-disturbance buffer around active nest sites will be required from nest-site selection to fledging.

S22: Except where it may adversely affect threatened and endangered species, linear structures such as fences, major highways, utility corridors, bridge upgrades or replacements, and canals will be designed and built to allow for fish and wildlife movement.

S24: Mitigate impacts of on-going uses and management activities on threatened, endangered, proposed, and candidate species.

S30: Avoid activities that result in removal, crushing, burying, burning, or mowing of host plants within critical and occupied habitat for threatened, endangered, and proposed butterfly species; unless guided differently by a species-specific consultation.

S47: When designing new projects in riparian areas, apply the Five-Step Project Screening Process for Riparian Conservation Areas as described in Appendix E - Five-Step Project Screening Process for Riparian Conservation Areas.

S60: Until proper evaluation occurs, known heritage resource sites shall be afforded the same consideration and protection as those properties evaluated as eligible to the National Register of Historic Places.

S61: Leave human remains which are not under the jurisdiction of the County Coroner undisturbed unless there is an urgent reason for their disinterment. In case of accidental disturbance of human remains, excavation of human remains, or subsequent re-internment of human remains follow national forest, federal and tribal policies.

CNF S6 - Place new power lines (33 kV or less), telephone lines, and television cables underground wherever possible.

CNF S9 - Avoid or mitigate, following consultation, activities resulting in direct trampling or erosion problems to Laguna Mountains skipper suitable and occupied habitat and adjacent areas (Laguna and Palomar Places).

CNF S13 - Avoid or mitigate activities that may negatively affect San Diego thornmint (*Acanthomintha ilicifolia*) occupied habitat (Sweetwater Place).

4.0.2 Other Facilities

The proposed action will need to specify the types and locations of appurtenant facilities, including weather stations, fire detection equipment, smart grid equipment, and any other items proposed for the project, including any video monitoring cameras proposed for deployment.

4.1 Single to double circuit conversion

The POD emphasizes that the proposed action would not increase system capacity, yet doubling certain circuits would appear to increase the capacity of the system between the selected substations. The proposed action should explain any changes to system capacity that will result from the additional circuits.

Upgrading the conductors on the 69 kV systems would also appear to increase overall system capacity. Please explain any changes to system capacity that will result from the upgraded conductors.

5.0.0 No Action Alternative

The POD does not correctly summarize the No Action alternative considered in the EA. Under the No Action alternative new permits would not be issued, and the existing permits would terminate according to their terms (36 CFR 251.60(a)(2)(iii)), which include removal of all facilities and restoration of the site.

5.1 Relocation of TL 626 (Boulder Creek Line)

This TL crosses through an area with high resource concerns, and the current condition does not meet the LMP desired resource condition for the area. It is also being considered for a Recommended Wilderness Land Use Zone as part of the LMP amendment project. The Forest Service wants to fully develop the relocation alternative and consider it in detail in the EIS. The Forest Service will work with SDG&E to identify the best alternative location for consideration.

7.0.0 Access Roads

There are four categories of roads that need to be considered in the proposed action:

- State and county roads used by SDG&E for access
- Forest Service roads open to the general public
- Forest Service roads maintained for administrative access
- SDG&E permitted use roads

For analysis purposes it might be more efficient to consider the access roads with the other roads as part of the transportation and traffic section (10.6).

The amount of permitted use roads has increased from 35 miles in 2009 to 47 miles in the POD. As was described in the EA, the MSUP should include measures to ensure that all access roads are surveyed and evaluated for resource issues, and plans developed to correct any problems.

The Forest Service and SDG&E have been working successfully over the last few years to address erosion concerns with specific road segments (for example, the roads on the north-slope of Barber Mt. and along Boulder Creek). The proposed action should reflect those actions and provide greater detail as to how those concerns will be addressed in the MSUP.

7.0.1 Helicopter access

The hours of operation proposed for helicopter use are not consistent with the San Diego County noise ordinance. We expect helicopter fueling to be conducted off National Forest System land.

8.2 Pesticide Application

The Forest Service does not authorize the use of pesticides on a general basis. Under the permit pesticide applications are approved on an annual basis based on specific use requests. The pesticide use proposal would need to be developed in much greater detail if SDG&E intends to use pesticides on the National Forest during the permit term. The Forest Service would be willing to work with SDG&E to refine the pesticide use proposal so that it is consistent with Forest Service policy, and so that it can take advantage of the risk assessments completed for many common pesticides. More information on Forest Service policy and the risk assessments are available at:

<http://www.fs.fed.us/foresthealth/pesticide/index.shtml>

10.1.0 Biological Resources

The requirement that all 69 kV power line structures would be constructed in compliance with the APLIC's Suggested Practices for Avian Protection on Power Lines should also apply to the 12kV lines included in the proposed action. There may be measures to reduce or avoid line strikes similar to what was done for Sunrise that could also be included in the MSUP. The work CNF did for this project in 2005 included an analysis and map showing key raptor areas and flyways, and those areas would be a priority for line marking.

10.2 Cultural Resources

The Cultural Resource Survey Report for the Proposed Action and Connected and Similar Actions prepared by ASM affiliates, Inc. in April 2011 that is cited in this section has not been submitted to the CNF for review. Please submit that report directly to the CNF Heritage Program Manager.

10.2.0 Proposed Action

There are several issues with the Applicant Proposed Measures (APM) discussed in association with the Proposed Action, including:

APM-CUL-03: Potentially eligible or "archaeologically sensitive" resources are not the only cultural resources that will be protected within the MSUP APE. In accord with the Regional Programmatic Agreement (RPA) (USFS 2001), unevaluated cultural resources are treated as if they were eligible for the NRHP (like historic properties), and are managed and maintained in such a way that their values are protected (Stipulation III.D(3) of the RPA). Potential effects to historic properties within the MSUP APE on the CNF would be avoided through implementation of Standard Resource Protection Measures (SRPM), as defined in and in accord with the RPA. If historic properties are present within the undertaking's APE and would be affected by the undertaking, and the Standard Resource Protection Measures (pursuant to Stipulation III.D(3) of the RPA) contained in Attachment B of the RPA cannot or will not be implemented, then the procedures outlined in 36 CFR 800 will be followed regarding evaluation, determination of effects, review, and consultation. The Forest (and SDG&E) will comply with 36 CFR 800 for the undertaking if it is determined that it may adversely affect historic properties.

APM-CUL-04: Monitoring is not adequate mitigation for conducting ground disturbance within archaeological site boundaries on the CNF. No ground disturbance will occur within the boundaries of cultural resources (archaeological sites) on the CNF without completion of the NRHP eligibility evaluation process, determination of ineligibility for nomination to the NRHP, or completion of data recovery for NRHP eligible sites, in consultation with Tribes and SHPO.

Cultural resources encountered in association with ground disturbing activities conducted within archaeological site boundaries that are, or are being treated as historic properties are not "inadvertent effects," they are adverse effects to historic properties and constitute a violation of the Archaeological Resource Protection Act (ARPA 1979). Archaeological monitors will not collect cultural material or recover archaeological resources within the project area without written authorization by the CNF.

APM-CUL-5: No road improvement or new pole excavation will occur within cultural resource (archaeological site) boundaries unless such resources have been evaluated, determined to be ineligible for nomination for listing on the National Register of Historic Places (NRHP) under

the applicable criteria, and that determination has been concurred with by the State Historic Preservation Officer (SHPO) through consultation conducted by the CNF.

APM-CUL-6: Any Cultural Resource Treatment Plan developed by SDG&E that includes recommendations for National Register eligibility evaluation of cultural resources will be developed in coordination with the CNF HPM, Tribes, and SHPO. There will be no recovery or collection of cultural materials by SDG&E or its contractors.

APM-CUL-7: The MSUP standard conditions will establish the direction for inadvertent discoveries. All inadvertent discoveries of cultural material, particularly those involving human remains or potential funerary items will be immediately reported to the authorized officer and CNF Heritage Program Manager. The size and duration of the work stoppage, the type of treatment or evaluation necessary, determination of eligibility, and/or implementation of the Native American Graves Protection and Repatriation Act (NAGPRA) process will be developed by the CNF Heritage Program Manager in consultation with the SDG&E cultural resources specialist, Tribes, and SHPO, in accord with Stipulation V of the RPA, and approved by the authorized officer. Ground disturbing work in the vicinity of the discovery will not resume without authorization by the authorized officer.

Section 10.2.2 Similar Actions

Contrary to the statement regarding wood poles within the boundary of Lilac Village, wood poles are located within the boundary of National Register eligible prehistoric archaeological site CA-SDI-08534 (Lilac Village). Unauthorized replacement of an SDG&E electrical pole and associated archaeological damage to the site by SDG&E in July of 2008 resulted in the issuance of an Archaeological Resources Protection Act (ARPA) Notice of Violation to SDG&E by the CNF.

10.3 Fire Hazards

The MSUP will require SDG&E to submit a fire plan for Forest Service approval. We would like to have a working draft available for public review when we begin scoping. This task should be simplified by the work already completed on the Sunrise O&M fire plan.

10.4 Hydrology

The MSUP will require SDG&E to submit an erosion control plan for Forest Service approval. The content of the erosion control plan is guided by the Forest Service Water Quality Management Handbook (R5 FSH 2509.22 Chapter 10) that was issued in 2011 (http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsh?2509.22!r5_ALL). The standard Storm Water Pollution Prevention Plan format can meet the erosion control plan requirements with a few minor adjustments.

10.5 Noise

As noted in section 7.0.1, all operations will need to comply with applicable noise ordinances.

10.7 Visual

We will be evaluating the potential impacts of the project on scenery according to LMP standards S9 and S10 (see section 2.0 Purpose and Need). The standards provide some flexibility in how we meet that Scenic Integrity Objectives (either through design, reduction of

the standard, or a combination of both). However, the taller steel poles may be more visually obtrusive than the current poles, and may not be consistent with LMP standards.

10.8 Wilderness

Although C157 was authorized by permit prior to the designation of the Pine Creek and Hauser Wilderness Areas, continuation of the use is no longer consistent with the requirements of the 1964 Wilderness Act (Public Law 88-577). Section 4(c) of the Wilderness Act states:

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area (16-USC 1133(c)).

Special provisions in subsequent wilderness laws provide guidelines for the management of wilderness based on unique local or regional circumstances that fall outside of the allowable, but nonconforming uses listed in Section 4(d) of the Wilderness Act. The California Wilderness act of 1984 (PL 98-425) did not make such provisions regarding the Pine Creek and Hauser Wildernesses.

The nature of interest in National Forest System lands is limited to the occupancy of land and structures and conduct of activities specified in the special use authorization (36 CFR 251.55(a)). A permit serves as a permissive license for uses of National Forest System lands that are of short duration, but usually greater than one year, and that do not involve permanent commitment of National Forest System resources (FSM 2711.2 - Permit). Special use permits do not establish an existing right that persists past the termination date of the permit. The permit that authorized C157 states that a new permit "may be granted provided the permittee will comply with the then existing laws and regulations governing the occupancy and use of National Forest lands". A decision to issue a new permit is discretionary on the part of the Forest Service, and must be consistent with applicable laws.

The statutory language providing the Secretary authority to take "such measures as are necessary in the control of fires,..." refer to the suppression of active wildfire in designated wilderness areas, not upgrades to facilities outside of wildfire incidents. As such, the proposed wood-to-steel replacement for C157 does not constitute an action to control fire as authorized in the Wilderness Act.

In past discussions regarding C157, SDG&E had considered alternate arrangements for electric service to Skye Valley ranch. The Forest Service would like to work with SDG&E to include one or more of those alternatives as part of the proposed action. We will not be able to move forward with the proposed action for C157 as it currently is described.

Section II. General Comments

Special Use Permit - The CNF will update the draft special use permit to reflect current policy and direction. The Forest Service would like to have the draft permit, draft O&M plan and draft fire plan available for public review when we begin scoping.

SDG&E facilities on acquired NFS lands - The Forest Service would like to identify the circuits that are located on acquired land so that we can clearly disclose the improvement that are

managed by SDG&E under easements granted prior to land acquisition by the federal government. The analysis will need to disclose how circuits within existing easements that are included in the proposed action will be managed. We would also like to discuss how the Sunrise mitigation land donation program will effect this situation. Several of the parcels that are in the mitigation package will have SDG&E facilities under easement, and title will likely transfer during the evaluation of the MSUP.

GIS data – the data provided as part of the POD is slightly different than the previous data provided by SDG&E. We noted the difference in access roads in the section 7.0.0 comments. We also noticed that the data in the Mt. Laguna area seems to be missing existing underground circuits. The overhead circuits on the Trabuco Ranger District were also not included. Please review the data to ensure that all SDG&E facilities are included and that the locations are correct.

Applicant Proposed Measures (APM) – It would be very helpful to have one consolidated document that lists all APMs described in the POD.

DRAFT