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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of SAN DIEGO GAS & ELECTRIC for)
 modification of D93785 and)
 D82-03-108, re construction bid)
 package for 500 kV transmission)
 line, Miguel Substation to Palo)
 Verde Nuclear Generating Station)
 Units.)

Application 82-08-52
 (Filed August 25, 1982;
 amended September 24, 1982)

O P I N I O NSummary

In Application (A.) 82-08-52, filed August 25, 1982 and the amendment filed September 24, 1982, San Diego Gas & Electric Company (SDG&E) requests that the Commission issue an order modifying Decision (D.) 93785 and granting it authority to construct new access roads and to construct during bighorn sheep and raptor breeding seasons in certain areas along the approved route. Such construction is now restricted in those areas.^{1/}

By this order, we grant SDG&E's application to modify the site-specific mitigation measures required in D.93785, Ordering Paragraph 7. However, we will order here additional measures designed to mitigate the effects of construction with roads and construction during breeding season. All other provisions of D.93785 remain unchanged.

^{1/} There are other areas of the route in which roadless construction and no construction during breeding season have been ordered. SDG&E has not requested modification of those requirements with respect to those areas.

Background

D.93785, approving the Southwest Powerline Project (formerly referred to as the Eastern Interconnection Transmission Line Project) from San Diego to the Palo Verde Nuclear Generating Station Switchyard in Arizona, was issued on December 1, 1981. Ordering Paragraph 7 requires that "SDG&E shall undertake the site-specific mitigation measures which are listed in the Phase II studies, the FES, and this Decision."

By letter dated October 5, 1982, (attached hereto as Appendix A), Administrative Law Judge (ALJ) J. J. Doran set a deadline of November 1, 1982 for any interested parties to file protests to granting the application. No protests were filed as of November 1, 1982.

Subsequently, ALJ Doran granted the Commission staff's (staff) request for a one-month extension of time until December 1, 1982 to complete its response. Because of its need in December to review filings of other state agencies and SDG&E's construction contract, signed on December 6, 1982, staff's response was filed on December 14, 1982. It is received as Exhibit 1. ✓
✓
✓
✓

Applicant's Showing

SDG&E asks that certain mitigation measures, namely those requiring that "no new access roads be constructed in the area" and that "construction activities be curtailed during breeding season" (Selectively Recommended Mitigation Measures 1 and 11, respectively,) not be applied in certain areas. The specific link numbers and mileposts defining the area to be exempted from Measures 1 and 11 are listed in A.82-08-52, Table 1 (amended), also in attached Appendix A.

SDG&E contends that construction during raptor and bighorn sheep breeding seasons will cause minimal or no disturbance. Raptor species of primary concern along the corridor are the prairie falcon and golden eagle. Nests of these and other raptor species (red-tailed, red-shouldered, and Cooper's hawks) were observed during SDG&E's May and July 1981 surveys; however, SDG&E avers, none were close enough to the transmission line to warrant the imposition of Mitigation Measure 11.

SDG&E argues that the Jacumba Valley (Link 142, Milepost 0.0-1.4) is not within the current bighorn sheep distributional range, and that the Mountain Springs Grade area along the approved route (Link 141, Mileposts 2.9-3.1 and 7.7-7.8) appears to be used for migration but not lambing. SDG&E concludes that construction activity is likely to cause only temporary interruption of bighorn sheep use and, therefore, that Measure 11 is not warranted.

With regard to no new access roads in certain areas, SDG&E contends that Measure 1 is not warranted since soil erosion can be minimized through the use of properly designed drainage facilities and erosion control techniques. These techniques are contained in Exhibit 2, Section 14, to its application. SDG&E states that it intends to include these in its access road design specifications.

SDG&E estimated in its petition that it will save approximately \$7.6 million in construction costs if the relief sought is granted (\$5.1 million with new access roads, and \$2.5 million with construction during breeding season (petition pages 9 and 10). However, as discussed below, recent information shows those figures to be grossly overstated.

Staff Showing

In making its recommendations, staff relies primarily upon the expertise of the California Division of Mines and Geology (CDMG) and the California Department of Fish and Game (CDFG). CDMG investigated the effect which permitting construction with roads would have upon erosion. CDFG investigated whether construction during breeding season of raptors and bighorn sheep would adversely affect these protected animals.

CDMG and CDFG generally support the Phase III studies. They conducted independent studies, including field investigations and review of pertinent documents before arriving at their conclusions.

CDMG agrees with SDG&E that "road construction could be undertaken without significant increase in erosion potential or adverse impact" (staff's response to petition, Appendix A, cover letter, page 2). CDMG reached this conclusion after a site-specific investigation. CDMG's recommendation, however, is contingent upon the implementation of specified mitigation measures designed to minimize erosion. These measures may be found in staff's response to the petition, Appendix A, (pages 10-13). ✓

CDFG's conclusions, also based on field investigations and other information, support SDG&E's request for construction during breeding season. CDFG's primary conclusion concerning sheep is that "[c]urtailment of project construction due to potential impacts upon bighorn sheep is not necessary as the terrain does not contain bighorn sheep habitat or lambing areas" (staff's response to petition, Appendix B).

Discussion

The parties agree, and we concur, that construction along the approved route in the Jacumba Valley (Link 142, Mileposts 0.0-1.4) and Mountain Springs Grade area (Link 141, Mileposts

2.9-3.1 and 7.7-7.8) during breeding season will have no significant impact on bighorn sheep breeding activities.

The parties also agree that construction will likely have only minimal impact on raptor breeding activities. However, we concur with CDFG that additional survey by SDG&E within the period January through March 1983 is appropriate prior to construction in the areas listed in A.82-08-52, Table 1 (amended), in order to verify that impact on golden eagle and prairie falcon breeding activities will indeed be minimal.

CDMG has concluded that construction of new access roads in those areas listed in A.82-08-52, Table 1 (amended), can be accomplished with minimal soil erosion. CDMG has proposed specific mitigation measures designed to minimize erosion from construction of access roads.

The staff does not dispute the environmental assessments made by CDMG, CDFG, or SDG&E. However, staff correctly points out that some environmental damage may result from granting the petition.

In this instance, we think the risk to the environment of granting the petition is minimal and acceptable. We have no reason to doubt the expert opinions given by Woodward-Clyde, CDMG, and CDFG. SDG&E and its ratepayers will benefit from reduced construction expenses if we grant the petition. Staff has shown that those savings, about \$700,000, are much lower than originally estimated by SDG&E in the petition. However, these savings are still substantial, and they more than balance the minimal environmental disruption which may occur from granting the petition.

In order to minimize environmental damage from construction with roads and construction during breeding season, we will require SDG&E to adopt all mitigation measures recommended by CDMG, CDFG, and Woodward-Clyde (in the Phase III studies). We will also require SDG&E to supply us with regular reports detailing its mitigation efforts.

Findings of Fact

1. SDG&E requests authority to construct new access roads and to construct during breeding season in the areas listed in Table 1 (amended) to its application.

2. New access roads can be constructed, in the areas listed in A.82-08-52, Table 1 (amended), in a manner which will minimize and control soil erosion..

3. Construction in the Jacumba Valley (Link 142, Mileposts 0.0-1.4) and the Mountain Springs Grade area (Link 141, Mileposts 2.9-3.1 and 7.7-7.8) will have no significant impact on bighorn sheep breeding activities.

4. It is reasonable to require additional surveys for golden eagle and prairie falcon nesting sites within the January through March 1983 time frame and recommendations to mitigate prior to construction.

5. Granting the modification to D.93785 as requested is estimated to reduce construction costs by \$700,000.

6. The mitigation measures specified by Woodward-Clyde in the Phase III studies, CDMG, and CDFG will reduce detrimental impact to the environment.

Conclusions of Law

1. Granting the authority requested by SDG&E in A.82-08-52 (amended) is reasonable and will not have significant adverse impact on the environment.

2. Conclusion of Law 5 in D.93785 should be modified to state that:

SDG&E should undertake the site-specific mitigation measures which are listed in the Phase II studies, the FES, and D.93785, except as modified in A.82-08-52 (amended).

3. The effective date of this order should be the date of signature to allow SDG&E adequate opportunity to complete additional raptor surveys prior to starting construction in the areas listed in A.82-08-52, Table 1 (amended)..

O R D E R

IT IS ORDERED that:

1. Decision (D.) 93785, Conclusion of Law 5, is modified as follows:

SDG&E should undertake the site-specific mitigation measures which are listed in the Phase II studies, the FES, and D.93785, except as modified in A.82-08-52 (amended).

2. D.93785, Ordering Paragraph 7, is modified as follows:

San Diego Gas & Electric Company (SDG&E) shall undertake the site-specific mitigation measures which are listed in the Phase II studies, the FES, and D.93785, except as follows: (1) SDG&E may construct new access roads along the Links and Mileposts listed in Application (A.) 82-08-52, Table 1 (amended) (also in attached Appendix A). (2) SDG&E may construct during bighorn sheep breeding season in those areas listed in A.82-08-52, Table 1 (amended). (3) In cooperation with the Construction Liaison Officer, SDG&E shall conduct additional raptor surveys for golden eagle and prairie falcon nests in the January through March 1983 time frame and develop a plan for implementing necessary mitigation, prior to construction along those areas listed in A.82-08-52, Table 1 (amended). If an adequate buffer zone exists around any golden eagle or prairie falcon nest by virtue of distance or terrain features along the areas listed in A.82-08-52, Table 1 (amended), SDG&E may construct in such areas during raptor breeding season.

3. SDG&E shall incorporate the erosion control techniques contained in A.82-08-52 (amended), Exhibit 2, Section 14, in its access road design specifications for the Southwest Powerlink Project (formerly the Eastern Interconnection Transmission Line Project).

4. SDG&E shall utilize all mitigation measures listed on pages 10-13 of California Division of Mines and Geology's report, California Department of Fish and Game's report, and the portions of the Phase III studies pertaining to construction with roads and construction during breeding season. ✓

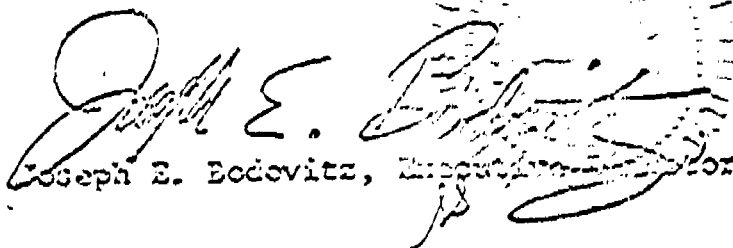
5. SDG&E shall submit monthly reports to the staff detailing the mitigation measures which the company has undertaken in association with construction of access roads and construction during breeding season of bighorn sheep and raptors. ✓

This order is effective today.

Dated December 22, 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TO


Joseph E. Bodovitz, Director



Public Utilities Commission

STATE OF CALIFORNIA

October 5, 1982

FILE NO. A.82-08-52

TO: ALL INTERESTED PARTIES

APPLICATION 82-08-52 - TO MODIFY DECISIONS IN SAN DIEGO GAS & ELECTRIC'S TRANSMISSION LINE PROJECT TO ARIZONA

By Application 82-08-52 filed August 25, 1982 and amendment filed September 24, 1982, San Diego Gas & Electric Company (SDG&E) seeks to modify Decisions 93785 and 82-03-108 in SDG&E's transmission line project from San Diego to the Palo Verde Nuclear Generating Station Switchyard.

Based upon Phase III site-specific ecological and geotechnical field studies conducted by SDG&E, it avers that certain mitigation measures, namely that "no new access roads will be constructed in the area" and that "construction activities will be curtailed during breeding season" (selectively Recommended Mitigation Measures I and II respectively) are not warranted in certain areas. The specific link numbers and mileposts defining the area to be exempted from Measures I and II are listed in Table 1 to the application as amended (enclosed).

SDG&E requests that the Commission issue an order granting it authority to construct new access roads and to construct during Breeding season in the areas listed in Table 1, as amended.

Any protest to granting the application with our Docket Office (original and 12 copies) should be filed and served upon all parties by November 1, 1982.

Very truly yours,

John J. Doran
John J. Doran
Administrative Law Judge

Enclosure

TABLE 1
(Amended)

<u>MEASURE</u>	<u>PURPOSE</u>	<u>LINK (MILEPOSTS)</u>
#1		
No New Access Roads	Reduce amount of	144(1.2-3.2; 18.5-19.5)
	area disturbed by	147(0.0-0.5)
	project in order	149(0.0-4.5)
	to minimize soil erosion impact.	
#11		
No Construction During Breeding Season	Avoid project re- lated disturbance of raptor breeding activities.	141(2.9-3.1; 7.7-7.8)
		142(0.0-3.5)
		144(10.2-10.4; 17.8-18.3)
		145a(0.0-2.5)
		147(0.0-1.6)
		155(0.0-1.4)
		157(0.0-2.7)
		159(0.0-1.6)
		151(0.0-0.7)
	Avoid project re- lated disturbance of bighorn sheep breeding activities.	141(2.9-3.1; 7.7-7.8)
		142(0.0-1.4)

(END OF APPENDIX A)

Background

D.93785, approving the Southwest Powerline Project (formerly referred to as the Eastern Interconnection Transmission Line Project) from San Diego to the Palo Verde Nuclear Generating Station Switchyard in Arizona, was issued on December 1, 1981. Ordering Paragraph 7 requires that "SDG&E shall undertake the site-specific mitigation measures which are listed in the Phase II studies, the FES, and this Decision."

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SDG&E asks that certain mitigation measures, namely those requiring that "no new access roads be constructed in the area" and that "construction activities be curtailed during breeding season" (Selectively Recommended Mitigation Measures 1 and 11, respectively,) not be applied in certain areas. The specific link numbers and mileposts defining the area to be exempted from Measures 1 and 11 are listed in A.82-08-52, Table 1 (amended), also in attached Appendix A.

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CDMG agrees with SDG&E that "road construction could be undertaken without significant increase in erosion potential or adverse impact" (staff's response to petition, Appendix A, cover letter, page 2). CDMG reached this conclusion after a site-specific investigation. CDMG's recommendation, however, is contingent upon the implementation of specified mitigation measures designed to minimize erosion. Those measures may be found in staff's response to the petition, Appendix A, ~~Section A~~ (pages 10-13). KL

CDFG's conclusions, also based on field investigations and other information, support SDG&E's request for construction during breeding season. CDFG's primary conclusion concerning sheep is that "[c]urtailment of project construction due to potential impacts upon bighorn sheep is not necessary as the terrain does not contain bighorn sheep habitat or lambing areas" (staff's response to petition, Appendix B).

Discussion

The parties agree, and we concur, that construction along the approved route in the Jacumba Valley (Link 142, Mileposts 0.0-1.4) and Mountain Springs Grade area (Link 141, Mileposts

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3. Construction in the Jacumba Valley (Link 142, Mileposts 0.0-1.4) and the Mountain Springs Grade area (Link 141, Mileposts 2.9-3.1 and 7.7-7.8) will have no significant impact on bighorn sheep breeding activities.

4. It is reasonable to require additional surveys for golden eagle and prairie falcon nesting sites within the January through March 1983 time frame and recommendations to mitigate prior to construction.

5. Granting the modification to D.93785 as requested is estimated to reduce construction costs by \$700,000.

6. The mitigation measures specified by Woodward-Clyde in the Phase III studies, CDMG, and CDFG will reduce detrimental impact to the environment.

Conclusions of Law

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2. Conclusion of Law 5 in D.93785 should be modified to state that:

SDG&E should undertake the site-specific mitigation measures which are listed in the Phase II studies, the FES, and D.93785, except as modified in A.82-08-52 (amended).

3. The effective date of this order should be the date of signature to allow SDG&E adequate opportunity to complete additional raptor surveys prior to starting construction in the areas listed in A.82-08-52, Table 1 (amended).

Insert on main copy
O R D E R

1. copy
IT IS ORDERED that:

J.R. Decision (D.) 93785, Ordering Paragraph 7, is modified as follows:

San Diego Gas & Electric Company (SDG&E) shall undertake the site-specific mitigation measures which are listed in the Phase II studies, the FES, and D.93785, except as follows: (1) SDG&E may construct new access roads along the Links and Mileposts listed in Application (A.) 82-08-52, Table 1 (amended) (also in attached Appendix A). (2) SDG&E may construct during bighorn sheep breeding season in those areas listed in A.82-08-52, Table 1 (amended). (3) In cooperation with the Construction Liaison Officer, SDG&E shall conduct additional raptor surveys for golden eagle and prairie falcon nests in the January through March 1983 time frame and develop a plan for implementing necessary mitigation, prior to construction along those areas listed in A.82-08-52, Table 1 (amended). If an adequate buffer zone exists around any golden eagle or prairie falcon nest by virtue of distance or terrain features along the areas listed in A.82-08-52, Table 1 (amended), SDG&E may construct in such areas during raptor breeding season.

3. X. SDG&E shall incorporate the erosion control techniques contained in A.82-08-52 (amended), Exhibit 2, Section 14, in its access road design specifications for the Southwest Powerlink Project (formerly the Eastern Interconnection Transmission Line Project).

43. SDG&E shall utilize all mitigation measures listed on pages 10-13 of California Division of Mines and Geology's report, California Department of Fish and Game's report, and the portions of the Phase III studies pertaining to construction with roads and construction during breeding season.

54. SDG&E shall submit monthly reports to the staff detailing the mitigation measures which the company has undertaken in association with construction of access roads and construction during breeding season of bighorn sheep and raptors.

This order is effective today.

Dated DEC 22 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. CRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
FRISCILLA C. CREW
Commissioners