



RECORD OF DECISION

SAN DIEGO GAS & ELECTRIC

SPECIAL USE AUTHORIZATION FOR THE

SUNRISE POWERLINK TRANSMISSION LINE PROJECT

U.S. FOREST SERVICE

CLEVELAND NATIONAL FOREST

SAN DIEGO COUNTY, CALIFORNIA

BACKGROUND

San Diego Gas and Electric Company (SDG&E) proposes to construct, operate, and maintain a new 230/500 kV transmission line project called the Sunrise Powerlink. Applications were filed in 2005 with the Bureau of Land Management (BLM) and California Public Utilities Commission (CPUC), and notices of the applications were published in August 2006. SDG&E's project purposes are to promote renewable energy, improve system reliability, and reduce transmission congestion and energy supply costs.

The CPUC approved the project on December 18, 2008, selecting a combination of alternative routes called the Final Environmentally Superior Southern Route (Selected Alternative) through the Cleveland National Forest (Cleveland NF). The BLM approved the project on January 20, 2009, selecting the same alternative. SDG&E applied to the Forest Service for a Special Use Permit for the Selected Alternative in January 2009. The Selected Alternative crosses approximately 49 miles of BLM land, approximately 19 miles of National Forest System land, approximately two miles of Department of Defense land, and approximately 0.4 miles of state land. The remainder of the line crosses private land and land owned by local government. This route utilizes portions of a utility corridor (corridor 115-238) designated as part the Energy Policy Act of 2005, Section 368, National Forest Land Management Plan amendments.

The transmission line project and associated plan amendments were analyzed in a jointly prepared Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in compliance with California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements, respectively. The CPUC served as the lead agency pursuant to CEQA, while BLM acted as the lead federal agency responsible for compliance with the requirements of NEPA. The Cleveland NF, Department of Defense Marine Corps Air Station (MCAS) Miramar, and Bureau of Indian Affairs (BIA) were cooperating federal agencies and provided information, analysis, and comment. The NEPA process included public scoping, a Draft EIR/EIS, a Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) and a Final EIR/EIS.

NEW INFORMATION SINCE THE CPUC AND BLM PROJECT APPROVAL

Since the approvals from the CPUC and BLM, SDG&E has been implementing the required mitigation measures, conducting required pre-construction surveys, and preparing the final project design. This new information was provided to the CPUC, BLM, and other agencies on May 14, 2010 in the form of a Project Modification Report (PMR). The Forest Service completed a Supplemental Information Report (SIR) based on the design proposed in the PMR. The purpose of a SIR is to evaluate new information and to determine whether additional environmental analysis is needed. The SIR is incorporated in the project record and is available online at:

<http://www.fs.fed.us/r5/cleveland/projects/sunrise-powerlink/index.shtml>

I have reviewed the SIR and have concluded that a Supplemental EIS is not required to address any changed circumstances or new information associated with impacts to National Forest System lands. While there have been changes to the final alignment, they have been made in response to mitigation identified in the Final EIR/EIS, and are reasonably close to the approved project alignment. Implementation of Forest Service design criteria has reduced the miles of road necessary to access the transmission line and reduced the total amount of disturbed area. The changes in alignment have also reduced the visual impact of the project, and avoided cultural resources.

The net effect of these changes is to reduce the overall impact of the project when compared to effects disclosed in the Final EIR/EIS for the selected route. Based on the analysis in the SIR the changes in the selected alternative that are relevant to environmental concerns are not substantial, and there are no significant new circumstances or information relevant to environmental concerns and bearing the on selected alternative or its impacts.

DECISION

Based on my review of the analysis as documented in the Final EIR/EIS, and supported by a review of changed circumstances and new information as documented in the SIR, I have decided to authorize the construction, operation, and maintenance of the Sunrise Powerlink Project on National Forest System lands under my jurisdiction. The approved route as described in the Final PMR crosses approximately 19 miles of National Forest System lands. Authorization of this project will be implemented by issuing a 50 year special use permit for the construction, operation, and maintenance of project facilities. A temporary Special Use Permit will be issued for locations needed to support project construction that are outside of the long-term special use permit area. These areas include the proposed temporary stringing areas and the Thing Valley construction yard.

The Forest Service cannot issue a special use authorization to SDG&E without ensuring its consistency with the Cleveland NF Land Management Plan (LMP). I have determined that issuance of a special use authorization for the Sunrise Powerlink Project would require the following amendments to the Cleveland NF LMP:

1. Amending the plan to permit an exception to standards for scenic integrity along the Sunrise Powerlink Project alignment in the Morena, Sweetwater, and Pine Creek places.

2. Amending the plan to permit an exception to Riparian Condition and Biological Resource Condition goals for project activities in Riparian Conservation Areas.
3. Amending the plan to permit construction of a transmission line tower in a Back Country Non-motorized (BCNM) land use zone.

This decision amends the Cleveland NF LMP to provide these exceptions. These exceptions apply only to the Sunrise Powerlink Project. These project-specific exceptions to the LMP are not significant amendments to the plan. Consistent with Forest Service Policy (FSM 1926.51), these amendments do not significantly alter the multiple-use goals and objectives for long-term land and resource management or change the plan standards as they apply to other actions. There are no adjustments to management areas or land use zones, and approval of the Sunrise Powerlink will not preclude other actions.

This decision applies only to National Forest System lands. This decision is conditioned on the terms of the Special Use Permit and implementation of mitigation measures and monitoring programs as identified in the Final EIR/EIS, the BLM ROD, the Biological Opinion, and as further described in this ROD.

The Selected Alternative is a combination of the following alternatives and route segment options. Although the entire route is described for consistency with the BLM ROD, my decision applies only to the National Forest System lands within the selected alternative route as updated and described in the Final PMR.

- Interstate 8 Alternative between the Imperial Valley Substation and MP I8-40 (where the BCD Alternative diverges), including the following reroutes¹:
 - Southwest Powerlink (SWPL) Archaeological Site Reroute; and
 - Jacumba SWPL Breakaway Point Revision.
- BCD Alternative and BCD South Option Revisions. With implementation of Mitigation Measure WR-2a (Develop a reroute for the BCD Alternative Revision to reduce effects on recreation) the route would be relocated south of JAM property on National Forest System land.
- Modified Route D Alternative, including the Modified Route D Alternative Substation, as modified to incorporate the following SDG&E reroutes:
 - Cameron Reroute;
 - Pacific Crest Trail (PCT) Option A
 - Western Modified Route D Alternative (MRDA) Reroute.
- Star Valley Option Revision. The Star Valley Option Revision is the preferred route in this area, because use of the original Modified Route D Alternative to the Interstate 8 Alternative is located in a highly visible area and would require a more extensive road system with greater impacts to National Forest resources. In addition, implementation of Mitigation Measure L-2b (Revise project elements to minimize

¹ Segments of several transmission line route alternatives and the Proposed Action/Project were modified following publication of the Draft EIR/EIS in order to reduce or avoid certain impacts. These reroutes and revisions were included in the Recirculated Draft EIR/Supplemental Draft EIS and Final EIR/EIS and many were incorporated into the Final Environmentally Superior Southern Route (FESSR) Alternative. The overall FESSR was further modified by SDG&E during implementation, and these modifications were documented in the Project Modification Report.

land use conflicts) would minimize impacts of the route to landowners. In accordance with Mitigation Measure L-2b of the Final EIR/EIS, SDG&E has an agreement with a landowner that would allow for the northwestern end of the Star Valley Option route to be constructed on private land. This would result in the reduction of land use conflicts to other abutting private lands on Star Valley Road.

- Interstate 8 Alternative installed underground in Alpine Boulevard from the end of the Star Valley Option Revision to where it joins the Chocolate Canyon Option Revision.
- Chocolate Canyon Option Revision.
- Interstate 8 Alternative from the end of the Chocolate Canyon Option Revision to where it joins the Proposed Action/Project route at MP 130, incorporating the following SDG&E reroutes:
 - High Meadows Reroute; and
 - Highway 67 Hansen Quarry Reroute.
- Proposed Action/Project from MP 130 to the Sycamore Canyon Substation.

Construction of the project may be phased. As required by the standard terms of the Special Use Permit, initiation of construction is conditioned upon final Forest Service approval of the construction plans. This approval will take the form of a “Notice to Proceed” for each phase of construction.

DECISION RATIONALE

My decision to approve the Sunrise Powerlink is made with full recognition of the changes this development will bring to the character of the Cleveland NF. The selected alternative best meets the project purpose and need while minimizing the impact to the environment. While other alternatives may have less impact to the Cleveland NF, they either do not meet the purpose and need or do not have less overall impact to the environment.

I have considered the issues raised by the public during the environmental review. Several of those issues are directly related to the Cleveland NF, and are addressed in the following discussion.

Wildfire – There are unavoidable wildfire risks associated with any aerial powerline located in a wild land setting, and this is particularly true for the areas within the Cleveland NF. This issue was addressed in the Final EIR/EIS Chapter D.15, Sections E.1.15 through E.4.15, and Appendix 3. The location of the selected alternative was designed to avoid strategic areas, such as major ridgelines, that are typically used for containment lines. My decision incorporates mitigation measures designed to reduce the potential for a powerline related wildfire. Even with these measures the analysis concludes that the impacts cannot be mitigated to a level that is less than significant.

Visual Resources - This issue was addressed in the Final EIR/EIS Chapter D.3, Sections E.1.3 through E.4.3, and Appendix 14. My decision incorporates mitigation measures designed to reduce the visual impact of the selected alternative, including measures to reduce ground disturbance, reduce the color contrast of tower structures, and locate structures away from visually prominent areas. Measure V-45a includes provisions for off-site mitigation to compensate for permanent impacts to National Forest scenic resources. Even with these

measures the analysis concludes that the impacts cannot be mitigated to a level that is less than significant.

Wildlife habitat - This issue was addressed in the Final EIR/EIS Chapter D.2, Sections E.1.2 through E.4.2, and Appendix 8. My decision incorporates mitigation measures designed to reduce the impact of the selected alternative on habitat, including measures to avoid sensitive areas, including riparian areas, when possible. Mitigation also provides for habitat acquisition as compensation for permanent impacts. Even with these measures the analysis concludes that the impacts cannot be mitigated to a level that is less than significant.

I have also considered the comments received during the 45-day comment period offered by the Forest Service. Over 650 comment letters or emails were received during the comment period, including letters from elected officials, local planning groups, other government agencies, organizations, business interests, and individuals.

Many comments addressed the impacts of the project on the Cleveland NF, including impacts to visual resources, habitat, and watersheds. The potential for project related fire was frequently mentioned in the letters. Many were concerned with the proposal to amend the LMP. Many included a request to complete additional analysis to address changes to the project and new information.

I have reviewed these comments and considered them in the context of the purpose and need for the project, the project record, and the LMP. My decision to approve the project will provide access to renewable energy resources consistent with national energy goals. The Final EIR/EIS discloses the potential impacts, and provides an adequate record for my decision. I have adopted mitigation measures that are designed to minimize the impact of the project, and further clarified those measures as they apply to National Forest System lands. A project specific amendment to the LMP is appropriate to accommodate this project and provide access to renewable energy.

Under the Energy Policy Act of 2005, federal agencies are directed to encourage the development of renewable energy. The Forest Service National Strategic Plan Goal 4 directs the Forest Service to help meet energy resource needs (LMP, Part 1 page 16). Approving this project furthers that national goal, and the adopted mitigation measures will protect ecosystem health, consistent with LMP Goal 4.1b.

The Sunrise Powerlink Final EIR/EIS documents the analysis and conclusions upon which this decision is based. This record reflects a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

ADOPTION OF THE FINAL EIR/EIS AND SUPPORTING RECORD

The regulations promulgated to implement NEPA (40 CFR 1506.3), provide that a cooperating agency may adopt without recirculating the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied. Based on my independent review of the statement, I have concluded that the Forest Service comments, suggestions, and requirements have been satisfied and I am adopting the Final EIR/EIS and associated record to support my decision.

The Final EIR/EIS is composed of an Executive Summary, comments and responses on the Draft EIR/EIS, comments and responses on the Recirculated Draft EIR/Supplemental Draft EIS, the Draft EIR/EIS as modified in response to comments, and the Recirculated Draft EIR/Supplemental Draft EIS as modified in response to comments. The Final EIR/EIS is available online at:

<http://www.cpuc.ca.gov/environment/info/aspensunrise/toc-feir.htm>

The Final EIR/EIS is the subject of judicial review. Several parties have challenged the BLM decision and underlying record, including the Final EIR/EIS, in federal court. Although the Forest Service is not currently a party in the judicial action, any judicial order affecting the status of the record that I adopt in this decision could affect implementation of my decision.

PURPOSE AND NEED

As stated by SDG&E and adopted by the CPUC and BLM (Final EIR/EIS A.2.2), the Sunrise Powerlink Transmission Project was developed for three major objectives: (1) to maintain reliability in the delivery of power to the San Diego region; (2) to reduce the cost of energy in the region; (3) and to accommodate the delivery of renewable energy to meet State and federal renewable energy goals from geothermal and solar resources in the Imperial Valley and wind and other sources in San Diego County.

In accordance with Forest Service regulations for processing special use applications, ((36CFR251.54(g)(2)(iii))), I am deferring to the CPUC and BLM determination of the overall purpose and need for the project as described in the project record, including the BLM ROD and CPUC Decision D08-12-058. Based on their findings, I have concluded occupancy of National Forest System lands is appropriate and the project is in the public interest.

REQUIRED MITIGATION

The full range of available mitigation measures was included in Final EIR/EIS Appendix 12. From that range of available mitigation, the BLM and CPUC adopted a comprehensive mitigation package to reduce the impact of the Sunrise Powerlink on the environment (CPUC Decision D08-12-058 Appendix D, BLM ROD Appendix A). I am adopting these environmental protection measures in my decision, to the extent that they apply to National Forest System lands and conform to Forest Service authorities. Any Forest Service clarifications and revisions are included in Attachment 1. The complete mitigation text, with embedded Forest Service clarifications and revisions, is available online at:

<http://www.fs.fed.us/r5/cleveland/projects/sunrise-powerlink/index.shtml>

The clarifications and revisions are primarily administrative in nature, and are designed to clarify the role between SDG&E as the permittee and the Forest Service as authorizing agency. Incorporation of these clarifications and revisions does not change any of the conclusions or findings in the Final EIR/EIS, except for the revision to mitigation measure WR-2a to allow the project to cross the Back County Non-Motorized land use zone.

This administrative clarification is particularly important for several of the fire mitigation measures, because the Forest Service does not have the authority to participate in the fire mitigation funding arrangement as adopted by the CPUC and BLM. Mitigation measures adopted in the special use permit shall be between the permittee and the Forest Service. The Forest Service is the final approval agency for actions required by the special use permit. Those Forest Service administrative requirements are not a barrier to the application of the fire mitigation funding arrangements as required by the CPUC and BLM, and I fully support those measures. The administrative clarifications to the fire mitigation measures will allow for compatible treatments on National Forest System lands and appropriate Forest Service involvement with the interagency coordination group.

The clarifications, revisions, and associated mitigation measures will be incorporated in any special use authorizations issued for the project. The measures were developed to minimize adverse impacts to natural resources and other values along the right-of-way as the project is implemented. With my clarifications and revisions, I am satisfied that all practicable measures to avoid or minimize environmental harm from the proposed action have been adopted.

OTHER REQUIRED PERMITS AND APPROVALS

My decision is only one part of the regulatory approvals needed for this project to go forward. The BLM authorized the project on lands within their jurisdiction, and the CPUC issued a Certificate of Public Convenience and Necessity. In addition to approving access to Federal lands, other Federal and State approvals are required as described in section A.6.5 of the Final EIR/EIS.

The Special Use Permit cannot be issued until SDG&E obtains certification from the State Water Resources Control Board under Section 401 of the Clean Water Act (Title 33 United States Code (USC) § 1341). Other applicable approvals and permits described in the Final EIR/EIS may be secured by SDG&E after the Forest Service special use permit is issued, but prior to the Forest Service approving any ground disturbing activities (issuing a Notice to Proceed).

PUBLIC INVOLVEMENT

Scoping

The BLM published the Notice of Intent (NOI) to prepare a joint EIS/EIR and Proposed Land Use Plan Amendment for the Proposed Sunrise Powerlink Transmission Project on August 31, 2006 in the Federal Register. A Notice of Public Scoping Meetings was mailed to federal, state, regional, and local agencies, elected officials of affected areas, and the general public. Copies of the NOI were available at 26 local repositories. The comment period began on August 31, 2006, the day of the NOI publication, and ended October 20, 2006. Government-to-government consultation with interested Native American tribes was initiated by the BLM as lead federal agency concurrent with scoping.

Newspaper advertisements appeared in 11 local and regional newspapers between September 15 and 22, 2006 for the October scoping meetings and in eight newspapers between January 20 and February 2, 2007 for the February meetings. The February meetings had an additional focus on alternatives under consideration. As part of outreach to Spanish-speaking populations, newspaper advertisements were published in two Spanish-language newspapers. Public scoping meetings were held on:

- October 2, 2006 at 4:30 p.m. in El Centro, California
- October 3, 2006 at 4:00 p.m. and 7:00 p.m. in Ramona, California
- October 4, 2006 at 2:00 p.m. and 6:00 p.m. in Borrego Springs, California
- October 5, 2006 at 2:00 p.m. in San Diego–Mission Valley, California
- October 5, 2006 at 6:30pm in San Diego–Rancho Peñasquitos, California
- February 5, 2007 at 12:30 p.m. in El Centro, California
- February 5, 2007 at 7:30 p.m. in San Diego–Rancho Peñasquitos, California
- February 6, 2007 at 2:00 p.m. in Julian, California
- February 6, 2007 at 7:00 p.m. in Ramona, California
- February 7, 2007 at 1:00 p.m. in Boulevard, California
- February 7, 2007 at 6:30 p.m. in Alpine, California
- February 8, 2007 at 2:30 p.m. in Borrego Springs, California
- February 9, 2007 at 1:00 p.m. in Temecula, California

In April 2007, Acting Forest Supervisor Hernandez requested that an alternative be fully analyzed that would not require an amendment to the Cleveland LMP land use zones. To notify the public and to allow the public to respond to this additional alternative, on May 16, 2007 the BLM mailed a notice describing the new alternative and the rationale for its consideration, as well as a map of the route. A 30-day comment period followed, closing on June 16, 2007.

The scoping process for the Sunrise Powerlink Transmission Project was designed to solicit input from the public, federal, state, and local agencies, and other interested parties on the scope of issues that should be addressed in the Draft EIR/EIS. Native American tribes were also consulted on these issues as part of the on-going government-to-government consultation. The scoping process was also intended to identify significant issues related to the Sunrise Powerlink Transmission Project. The Sunrise Powerlink Transmission Project and alternatives were revised to address comments and concerns raised during the scoping process.

Review of Draft EIR/EIS

A Notice of Availability (NOA) for the Draft EIR/EIS was published in the Federal Register on January 11, 2008. This initiated a 90-day public comment period. The NOA was mailed to 13,616 interested parties, agencies, Native American tribes, county and city departments, special districts, property owners, and occupants on or adjacent to the Sunrise Powerlink Transmission Project and alternative routes. Copies of the Draft EIR/EIS were shipped to 181 interested parties, and 561 copies of the Executive Summary and 570 copies of the DVD were also mailed. Informational workshops on the Draft EIR/EIS were held on:

- January 28, 2008 at 12:30 p.m. in El Centro, California
- January 28, 2008 at 7:00 p.m. in Alpine, California
- January 29, 2008 at 1:00 p.m. in Temecula, California
- January 29, 2008 at 7:00 p.m. in San Diego–Rancho Peñasquitos, California
- January 30, 2008 at 2:00 p.m. in Ramona, California
- January 30, 2008 at 7:00 p.m. in Warner Springs, California
- January 31, 2008 at 3:30 p.m. and 7:00 p.m. in Pine Valley, California
- February 1, 2008 at 1:00 p.m. in Borrego Springs, California

Public participation hearings on the Draft EIR/EIS were conducted on:

- February 25, 2008 at 6:30 p.m. in Pine Valley, California
- February 26, 2008 at 1:00 p.m. in Borrego Springs, California
- February 26, 2008 at 7:00 p.m. in Ramona, California
- May 12, 2008 at 1:00 p.m. and 6:30 p.m. in Borrego Springs

Review of Recirculated Draft EIR/Supplemental Draft EIS

Due to additional information submitted following publication of the Draft EIR/EIS, BLM prepared and published a Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) in July 2008. The RDEIR/SDEIS was released for public review on July 11, 2008 with a 45-day comment period (ending on August 25, 2008). Following the release of the Recirculated Draft EIR/Supplemental Draft EIS the CPUC and BLM held two informational workshops in Jacumba, California on August 4, 2008.

Review of the Final EIR/EIS

The Final EIR/EIS was distributed to a variety of federal, state, and local government agencies, elected officials, environmental organizations, Native American tribes, and other interested parties for review. A NOA for the Final EIR/EIS was published in the Federal Register on October 17, 2008.

The Forest Service offered a separate 45-day comment period beginning on May 15, 2010. The project was also listed in the Forest Service Schedule of Proposed Actions (SOPA) beginning in April 2009. The SOPA is available online at <http://www.fs.fed.us/sopa/>.

ALTERNATIVES CONSIDERED

The Final EIR/EIS analyzed 27 alternatives to the Proposed Project, including 18 alternative route segments along the Proposed Project route, 4 routes following portions of the existing Southwest Powerlink (SWPL), two non-wires alternatives, two alternatives including components of the Lake Elsinore Advanced Pumped Storage (LEAPS) Project, and the No Project/No Action alternative. One alternative route segment associated with the Proposed Project, four alternatives associated with the SWPL alignments, and both LEAPS alternatives

crossed National Forest System lands along a portion of the respective alternative. The alternatives are described in greater detail in Final EIR/EIS Chapter C, Alternatives. The comparison of alternatives is described in Final EIR/EIS Chapter H, Comparison of Alternatives.

ALTERNATIVES ELIMINATED FROM DETAILED STUDY

An additional 70 alternatives were considered in a screening process and eliminated from detailed consideration (Final EIR/EIS Appendix 1, Alternatives Screening Report). An alternative to collocate the Sunrise Powerlink with the Southwest Powerlink to avoid crossing the Cleveland NF was evaluated as part of that process. This alternative, called the West of Forest Alternative, is described in Appendix 1, Section 4.8.5. Collocating with the Southwest Powerlink would place both lines in an area of frequent fire. Attachment 1A to Appendix 1 evaluated this risk using outage data for the Southwest Powerlink provided by SDG&E (Attachment 1A, Section 5). The Attachment 1A analysis also describes the impact on system reliability from dual outages in Section 8, and concludes that collocation would not add to the import capability of the system. As described in Appendix 1, Section 4.8.5, this route was eliminated from further consideration because it would not meet reliability objectives, and thus not meet the project purpose and need.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The National Forest Management Act

The National Forest Management Act (NFMA) requires projects and permits to be consistent with the Land Management Plan (LMP) (16 USC § 1604(i)). If a proposed site specific decision is not consistent with the applicable plan, I may modify the proposed decision to make it consistent with the plan, reject the proposal; or amend the plan to authorize the action.

Consistency with the Cleveland NF LMP is discussed in two sections of the Final EIR/EIS. Final EIR/EIS Chapter D.16 discusses the LMP and describes the three interrelated documents that provide direction and policies for the Cleveland NF, while evaluating the proposed action and the alternatives consistency with the plan components. Final EIR/EIS Chapter D.17 describes the LMP amendment process and evaluates the LMP amendments needed to approve the proposed action or the alternatives.

As described in Final EIR/EIS Chapter D.16, the Cleveland NF LMP consists of three interrelated documents. Part 1 is the vision for the forest expressed through goals and desired conditions. Not every goal and desired condition is implemented by or applicable to every site-specific project. As described in the LMP, desired conditions are not commitments and may only be achievable over the long term. (LMP Part 1, page 2). Goal 4.1 is applicable to the proposed project and provides that energy development should be managed to facilitate energy production while protecting ecosystem health. This goal is implemented through the strategic direction provided in Part 2 of the LMP, which consists of program strategies (Appendix B) and suitable uses consistent with the achievement of the desired conditions in Part 1 (LMP Part 2,

page 2). Part 2 establishes suitable uses through land use zones. Part 3 contains LMP standards, which are mandatory requirements that apply to site-specific projects.

Based on the Final EIR/EIS discussion in Chapters D.16 and D.17, as well as further review in the SIR, authorizing construction, operation, and maintenance of the Sunrise Powerlink, including mitigation, would require a LMP amendment. My decision incorporates an amendment to the LMP to address the following plan requirements:

Aesthetic Management Standards (LMP Part 3, page 6)

The plan standards require:

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.*

The SIO's along the route selected for the Sunrise Powerlink are mapped as High. Even with implementation of mitigation measure V-45a, the Final EIR/EIS concludes that the project will not meet these requirements (Final EIR/EIS sections E.1.3 to E.4.3). My decision includes exceptions to these requirements.

Riparian Conservation Area Standards (LMP Part 3, page11)

The plan standards require:

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.

The LMP Appendix E process requires that the effects of activities within Riparian Reserves be either neutral or move the area closer towards the desired conditions. Even with mitigation, the Final EIR/EIS (E.1.2 to E.4.2, Appendix Q) concludes that the project will not meet that standard. My decision includes an exception to this requirement.

Land Use Zones

Land use zones (CFR 219.11(c)) were used to map the Cleveland NF for the purpose of identifying appropriate management types of 'uses' that are consistent with the achievement of the desired conditions described in Part 1 of the LMP. These land use zones are used to demonstrate management's intent and to indicate the anticipated level of public land use in any area of the national forest. The activities that are allowed in each zone are expected to

result in progress along the pathway toward the realization of the desired conditions. The types of suitable uses for commodities and commercial uses are outlined in LMP Part 2, Table 2.2.3. Major Utility Corridors are suitable in designated areas for Developed Area Interface (DAI), Back Country (BC), and Back Country Motorized Use Restricted (BCMUR) zones, and not suitable for Back Country Non-Motorized (BCNM), Critical Biological (CB), and Wilderness (W) (LMP, Part 2, page 4). Locating the route within the DAI, BC, and BCMUR land use zones is consistent with the plan. A portion of the route, including one support tower and approximately 1,500 feet of right-of-way, would cross through a section of BCNM land use zone, and approving this use requires a plan amendment. My decision includes that amendment. This location was necessary to avoid impacts to private lands and sensitive resource areas. No roads are authorized in this area and access to the support tower will be by helicopter and foot travel.

Management Indicator Species (MIS)

The LMP identified twelve MIS for habitat types and issues shown in the table in Part 1, page 46. The analysis presented in Final EIR/EIS Appendix 8M was updated by SDG&E in response to changes in the project design, and incorporated into the project record. The analysis concludes that implementing the selected alternative will not alter or contribute to existing forest-wide habitat trends for management indicator species.

Sensitive Species

Forest Service policy requires a review all Forest Service permitted activities for possible effects on endangered, threatened, proposed, or sensitive species. A biological evaluation is the means of conducting the review and of documenting the findings. The BLM, as lead federal agency, completed the Biological Assessment for endangered, threatened, and proposed species as discussed in the next section. SDG&E provided a biological evaluation (BE) for the Final PMR design that was incorporated into the project record. Based on the analysis in the BE, approving the Sunrise Powerlink on National Forest System land will not contribute to loss of viability or trends toward Federal listing for any Regional Foresters' list plant or animal species.

Endangered Species Act

Under Section 7 of the Endangered Species Act, a federal agency that authorizes, funds, or carries out a project that "may affect" a listed species or its critical habitat must consult with U.S. Fish and Wildlife Service (FWS). As the lead Federal agency, the BLM prepared a Biological Assessment for the FWS in accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 USC § 1531 et seq.). FWS issued a Biological Opinion (BO) on January 16, 2009, determining that the project is not likely to jeopardize the species or result in adverse modification of critical habitat and has established mitigation measures to reduce any anticipated impacts. The Forest Service action was included in the Biological Opinion. I am incorporating the applicable mitigation measures from the BO in this decision. I will amend project conditions, if necessary, to respond to any revised Biological Opinion issued for this project by the FWS.

Clean Water Act

The Sunrise Powerlink Transmission Project is expected to meet the requirements of the Clean Water Act (CWA). The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Point source discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process, outlined in CWA Section 402. NPDES permitting authority is delegated to, and administered by, California's nine Regional Water Quality Control Boards. California's State Water Resources Control Board regulates the NPDES storm water program. In addition, Section 404 of the CWA authorizes the U.S. Army Corps of Engineers (ACOE) to regulate the discharge of dredged or fill materials into navigable waters of the U.S., including certain wetlands and other waters of the United States. The ACOE issues individual site-specific or general (nationwide) permits for such discharges.

As discussed in the various sections of Chapter E (E.1.2 to E.4.2), depending on which segment of route is being considered, construction of the Sunrise Powerlink Transmission Project may result in discharges to surface water and may require the construction of new access roads through streambeds that would require filling for access purposes. These and other potential impacts will require SDG&E to obtain approvals from the ACOE and the State Water Resources Control Board under the CWA, including certification (or a waiver) under Section 401 from the State that the proposed discharge complies with water quality standards. As discussed earlier in the ROD, I will not issue a special use permit until SDG&E obtains certification under the CWA. I will amend project conditions, if necessary, to respond to any certification issued by the State Water Resources Control Board.

Clean Air Act

The Sunrise Powerlink Transmission Project is expected to meet the requirements of the Clean Air Act. Section 176(c) of the Clean Air Act prohibits federal agencies from, among other things, issuing licenses or permits or approving any activity which does not conform to an approved State Implementation Plan. Both the San Diego and Salton Sea Air Basins are designated as non-attainment for ozone and the Salton Sea Air Basin is also designated as serious non-attainment for PM₁₀. Federal conformity regulations presume conformity with state plans where project emissions are below applicable thresholds (the "*de minimis* thresholds"), and where no "regionally significant" emissions would occur. The applicable *de minimis* thresholds are 100 tons/year (NO_x) for San Diego and Imperial, 100 tons/year (VOC) for San Diego and Imperial, and 70 tons/year (PM₁₀) for Imperial. A regionally significant action would occur only where the direct and indirect emission of any pollutant represents 10 percent or more of a non-attainment area's emissions inventory for that pollutant.

Additionally, where, as here, the Federal action is a permit, license, or other approval for some aspect of a nonfederal undertaking, the relevant activity for conformity purposes is the part, portion, or phase of the nonfederal undertaking that requires the Federal permit, license, or approval. The Forest Service does not have any practical control over emissions resulting from activities on non-National Forest System lands. As a result, this conformity evaluation is limited

to direct and indirect emissions associated with construction activity on National Forest System lands. Construction of the Sunrise Project is estimated to take approximately two years and is scheduled to begin in 2010.

As discussed in the Final EIR/EIS, construction of the Sunrise Powerlink Transmission Project would be a source of dust and other particulate matter. Over the course of construction, it is estimated that traffic and other activities related to construction along the Final Environmentally Superior Southern Route Alternative (the Selected Alternative) would result in the direct and indirect emission of 112 tons per year of PM₁₀ on National Forest System lands in San Diego Air Basin that would be localized mainly at the construction site (Final EIR/EIS, Appendix 10, project record).

Construction of the Sunrise Powerlink Transmission Project would similarly be a source of NO_x and VOC emissions, which are precursors to ozone formation. More specifically, in the San Diego Air Basin, it is estimated that construction activity along the Selected Alternative Route would result in the direct and indirect emission of 64 tons per year of NO_x and 8 tons per year of VOC on National Forest System lands (Final EIR/EIS, Appendix 10, project record). These emissions are below the NO_x and VOC *de minimis* threshold of 100 tons per year.

I am requiring compliance with the air quality mitigation measures as a condition of this decision. Additionally, EPA guidance permits Federal agencies to take measures to reduce emissions from the proposed action to fall below *de minimis* levels. Although emissions on National Forest System lands are below *de minimis*, SDG&E, the Imperial County Air Pollution Control District, and the San Diego Air Pollution Control District have committed to identify appropriate emission reduction measures to be incorporated into the Project to bring the total direct and indirect emissions caused by the Project below the applicable General Conformity rule *de minimis* emission thresholds. Additionally, the levels of emissions associated with construction of the Sunrise Powerlink Transmission Project are not considered a regionally significant action. As a result, emissions from the Sunrise Powerlink Transmission Project will be below General Conformity thresholds, and no formal conformity determination is required.

National Historic Preservation Act

The basis for determining significance of cultural resources is driven by the National Historic Preservation Act (NHPA). In particular Section 106 requires federal agencies to take into account impacts upon resources listed or eligible for listing on the National Register of Historic Places (NRHP).

Section 106 compliance is in accordance with the Programmatic Agreement (pursuant to 36 CFR 800.14(b)) executed by the BLM and the California State Historical Preservation Officer (SHPO) in December 2008. The Forest Service, MCAS Miramar, US Army Corps of Engineers, California Public Utilities Commission, San Diego Gas & Electric Company, and potentially affected Native American tribes are invited signatories and/or concurring parties.

Federal Land Policy and Management Act

Special use permits for transmission lines on National Forest System lands are authorized under the authority of the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA requires, in part, that right-of-way authorizations contain conditions to minimize damage to scenic and esthetic values, fish and wildlife habitat and otherwise protect the environment. Adopting the mitigation measures as modified in Attachment 1 ensures that the project is in compliance with this requirement. FLPMA also requires location of the right-of-way along a route that will cause least damage to the environment, taking into consideration feasibility and other relevant factors. The selected alternative best meets the project purpose and need while minimizing the impact to the environment. My decision to authorize the Sunrise Powerlink on National Forest System lands is consistent with the requirements of FLPMA.

Environmental Justice

Executive Order 12898 requires an assessment of whether implementation of the proposed action would disproportionately affect minority or low-income populations. Final EIR/EIS Chapter F, Section F.1 documents the analytical process used to comply with this executive order. As described in Final EIR/EIS Chapter F, Section F.1, no adverse environmental effects, or effects on human health as they pertain to environmental justice were identified with the selected alternative on National Forest System lands.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. In accordance with 36 CFR 215.11, for decisions made in conjunction with other Federal agencies, only that portion of the decision made by the Forest Service affecting National Forest System lands is subject to appeal under this part. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at:

Appeal Deciding Officer
Randy Moore, Regional Forester
USDA Forest Service
1323 Club Drive
Vallejo, CA 94592
Attn: APPEALS

The office business hours for those submitting hand-delivered appeals are: 7:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals-pacificsouthwest-regional-office@fs.fed.us or fax to (707) 562-9229. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of the

legal notice for the ROD in the San Diego Union Tribune, the newspaper of record. Attachments received after the 45 day appeal filing period will not be considered. The publication date in the San Diego Union Tribune is the exclusive means for calculating the close of the appeal filing period. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

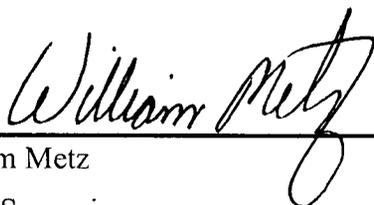
Individuals or organizations who submitted comments or other expression of interest during the comment period may appeal this decision as described in 36 CFR 215.11(a). The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

IMPLEMENTATION DATE

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the appeal decision (if the Forest Service is affirmed).

CONTACT

For additional information concerning this decision or the Forest Service appeal process, contact Bob Hawkins, 707-562-8699 or rhawkins@fs.fed.us.



7/9/2010
Date

William Metz
Forest Supervisor
Cleveland National Forest

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Attachment 1

Forest Service Clarifications and Revisions to the Mitigation Measures

The following clarifications and revisions will be incorporated into the mitigation measures adopted by the BLM and CPUC. Implementation of all measures applicable to National Forest System lands are subject to the approval of the Forest Service through the Special Use Permit. The complete text of the mitigation measures is available online at:

<http://www.fs.fed.us/r5/cleveland/projects/sunrise-powerlink/index.shtml>

B-1a Provide restoration/compensation for affected sensitive vegetation communities

The following mitigation ratios for impacts to habitat on National Forest System lands:

- a. 2:1 for habitats that are sensitive or support listed species
- b. 2:1 for coastal sage scrub, chaparral, grassland, or oak/conifer forest
- c. 3:1 ratio for riparian oak woodland

Temporary work areas with cut and/or fill where topsoil has been removed will be treated as permanent impacts for mitigation purposes. Mitigation impacts will be based on the Final PMR design, subject to post-construction validation surveys.

B-1k Re-seed disturbed areas after a transmission line-caused fire

Plans for burned areas on National Forest System lands will be evaluated according to Forest Service Burned Area Emergency Response (BAER) directives. Proposed seeding or other treatments will be subject to Forest Service approval through the BAER process.

B 7h Implement appropriate avoidance/minimization strategies for eagle nests

SDG&E will be required to document compliance with permit requirements under the Bald and Golden Eagle Protection Act by providing either copies of a permit or a letter from the US Fish and Wildlife Service stating that a permit is not required.

V 45a Prepare and implement Scenery Conservation Plan.

Where this measure uses the term “license” or “Licensee”, the Forest Service is substituting the term “permit” or “holder” as applicable. Although a special use permit is considered a license for the use of federally owned land, the clarification adopts the more common terms used in Forest Service permits.

L-2b Revise project elements to minimize land use conflicts.

In addition to the requirements described in this measure, SDG&E will be required to survey and mark boundaries between National Forest System lands and other lands within the approved right-of-way as directed by the Forest Service. This additional requirement will reduce conflicts in the future by clearly establishing the limits of the Forest Service permit area.

WR-2a Develop a reroute for the BCD Alternative Revision to reduce effects on recreation

This measure is modified to authorize the use of the BCNM land use zone adjacent to Thing Valley. A portion of the route, including one support tower and approximately 1,500 feet of right-of-way, is authorized within this area. No roads are authorized in this area and access to the support tower will be by helicopter and foot travel. SDG&E will be required to compensate for this impact by improving Forest Service recreation facilities in the Laguna Recreation Area, as directed by the Forest Service.

H-1k Comply with Forest Service conditions.

Where this measure uses the term “license” or “Licensee”, the Forest Service is substituting the term “permit” or “holder” as applicable. Although a special use permit is considered a license for the use of federally owned land, the clarification adopts the more common terms used in Forest Service permits.

F-1a Develop and implement a Construction Fire Prevention Plan.

The Forest Service special use permit will require the holder to prepare a “Fire Control Plan”. The plan required by mitigation measure F-1a may be submitted to the Forest Service for approval as the Forest Service required Fire Control Plan.

F 1c Ensure coordination for emergency fire suppression.

Forest Aviation Officer is changed to Forest Service Incident Commander.

F-1e Contribute to defensible space grants fund.

In addition to the requirements imposed by F-1e, SDG&E will be responsible to fund planning, design, construction, and maintenance of fuels treatments on National Forest System lands adjacent to structures or communities at risk when those treatments will contribute to effective defensible space around those structures or communities, as directed by the Forest Service. The initial treatment area is estimated at 1000 acres for a cost of \$1,500/acre. Funding for these treatments will be independent of the mitigation fund created by the CPUC.

F-3a Contribute to Powerline Firefighting Mitigation Fund

In addition to the requirements in F-3a, SDG&E will be required to fund planning, design, and construction of Forest Service fire suppression facilities, or improvements to existing facilities, necessary to increase the probability of a project related fire being successfully contained. The initial project for evaluation will be the construction of a Type 1 helicopter base at the Ramona Airport. The current Type 1 helicopter base for the Cleveland NF is located at the Hemet Airport. Moving the facility to Ramona would improve the Type 1 helicopter response time to the powerline by 15 to 20 minutes, meeting the goal of mitigation measure F-3a. Funding for this requirement will be independent of the mitigation fund created by the CPUC.

F-3b Prepare and implement a Multi-agency Fire Prevention MOU

The Forest Service agrees to participate in the MOU to efficiently coordinate all aspects of agency and utility fire prevention plans and practices. The Forest Service cannot use an MOU to make financial commitments, and cannot participate as a voting member in any actions that determine how other agencies manage mitigation.