

## Legal Notice

### **Opportunity to Comment San Diego Gas and Electric Sunrise Powerlink Project Special Use Permit Application Cleveland National Forest**

The Forest Service has accepted an application submitted by San Diego Gas and Electric Company (SDG&E) for a special use authorization to construct, operate, and maintain a new 500 kV transmission line called the Sunrise Powerlink. The proposed project would bring power from California's Imperial Valley to Northern San Diego County over a 123 mile route, 19 miles of which cross the Cleveland National Forest. The purpose of this notice is to inform the public that the Forest Service intends to: (1) issue a decision regarding whether to approve the special use; (2) consider several plan amendments required to approve the special use, and; (3) prepare a Supplemental Information Report (SIR) to evaluate new information submitted in support of the special use application.

#### **Project Overview**

In 2005, SDG&E filed applications seeking authorization to construct the Sunrise Powerlink Project with the Bureau of Land Management (BLM) and the California Public Utilities Commission (CPUC). As joint lead agencies under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the BLM and CPUC undertook preparation of a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) examining the proposed project and a range of alternatives. The proposed project followed a northern route across private lands, Public Lands administered by the BLM, and Anza-Borrego State Park. Because alternatives to the proposed project crossed the Cleveland National Forest, the BLM and CPUC requested the participation of the Forest Service as a cooperating agency under NEPA, 40 C.F.R. § 1501.6. As a cooperating agency, the Forest Service may adopt the lead agency's EIS when, after independent review, it determines that its comments and suggestions have been satisfied. 40 C.F.R. § 1506.3(c).

A Notice of Intent to prepare a joint EIR/EIS for the Sunrise Powerlink Project was published August 31, 2006. The lead agencies published the Draft EIR/EIS on January 3, 2008, a Recirculated Draft EIR/Supplemental Draft EIS in July, 2008, and the Final EIR/EIS on October 13, 2008. These documents are available at the Cleveland National Forest, 10845 Rancho Bernardo Rd., Suite 200, San Diego, CA 92127, online at the CPUC project page at: <http://www.cpuc.ca.gov/Environment/info/aspen/sunrise/sunrise.htm>, and at various government offices and libraries as listed by the CPUC at: <http://www.cpuc.ca.gov/Environment/info/aspen/sunrise/repositories.htm>

The CPUC approved the Sunrise Powerlink Project on December 18, 2008, selecting a southern route through the Cleveland National Forest over the proposed action. The BLM approved the project on January 20, 2009, selecting the same alternative. The selected alternative crosses approximately 49 miles of BLM land, 19 miles of National Forest System land, two miles of Department of Defense land, and 0.4 miles of State land. The remainder of the line crosses

private land and land owned by local governments. This route utilizes portions of a utility corridor (corridor 115-238) designated as part the Energy Policy Act of 2005, Section 368. A map of the selected alternative is available on the Cleveland National Forest website at: <http://www.fs.fed.us/r5/cleveland/projects/> at the Sunrise Powerlink Project link.

### **Special Use Application Review and Preparation of an SIR**

SDG&E filed a special use application with the Forest Service for the project in January, 2009, shortly after the CPUC approved the southern route. SDG&E filed additional resource reports in support of the application in late September, 2009, and filed supporting documentation for those reports at the end of October, 2009. SDG&E has also filed an application for a Clean Water Act Section 404 permit with the Army Corps of Engineers (ACOE) and for a Clean Water Act Section 401 certification with the State of California Water Quality Control Board (SWQCB), and provided copies of those applications to the Forest Service. The SWQCB has accepted SDG&E's application for the Section 401 certification as complete. The Section 404 permit application is undergoing ACOE review.

SDG&E is also preparing a Final Project Modification Report, expected May 17, 2010, which describes modifications made to the selected alternative after publication of the Final EIR/EIS. These modifications were made in response to engineering design requirements, additional survey information, and compliance with mitigation measures to minimize impacts to resources and avoid land use conflicts. The Forest Service is preparing an SIR to examine these project modifications. The purpose of an SIR is to evaluate new information and to determine whether a supplemental EIS is needed.

### **Plan Amendments**

The Forest Service cannot issue a special use authorization to SDG&E without ensuring its consistency with the Cleveland National Forest Land Management Plan. 16 U.S.C. § 1604(i). The Forest Service has determined that issuance of a special use authorization for the Sunrise Powerlink Project would require the following amendments to the Cleveland National Forest Land Management Plan:

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. See Final EIR/EIS at D.17-12.
2. Amending the plan to permit an exception to Riparian Condition and Biological Resource Condition goals for project activities in Riparian Conservation Areas. See Final EIR/EIS at D.16-24
3. Amending the plan to permit construction of a transmission line tower in a Back Country Non-motorized land use zone. See Final EIR/EIS at D.17-13 & 14.

### **Public Comment**

This notice provides the public an opportunity to comment on the Forest Service decision whether to authorize the special use sought by SDG&E and to preserve the opportunity to seek an administrative appeal of that decision. Any party who wishes to preserve the opportunity to seek an administrative appeal of the Forest Service decision should file a comment now. The Forest Service will consider comments already provided during the comment periods on the

Draft EIR/EIS and Recirculated EIR/Supplemental EIS, and a party who has already commented earlier in this process may file a notice indicating that he incorporates any earlier comments by reference. Comments should be directed at matters relating to the proposed use of the Cleveland National Forest.

Written, facsimile, hand-delivered, oral, and electronic comments concerning this action will be accepted for 45 calendar days following the publication of this notice in the San Diego Union-Tribune. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this analysis. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the length of the comment period

Written comments must be submitted to: William Metz, Forest Supervisor, 10845 Rancho Bernardo Rd. Suite 200, San Diego, CA 92127, ATTN: Sunrise Powerlink Comments. Oral comments may be submitted at 858-673-6180 (Voice) TTY 711 (CRS). Comments may be faxed to 858-673-6192 (Fax). The office business hours for those submitting hand-delivered or oral comments are: 8:00 AM to 4:30 PM Monday through Friday, excluding holidays.

Electronic comments may be emailed to [mailroom\\_r5\\_cleveland@fs.fed.us](mailto:mailroom_r5_cleveland@fs.fed.us), with a subject line of “*Sunrise Powerlink Comments*”.

Comments received in response to this notice should include the names and addresses of those who comment. Anonymous comments will not provide the respondent with standing to administratively appeal the decision. It is the responsibility of persons providing comments to submit them by the close of the comment period. Individuals and organizations wishing to be eligible to appeal must meet the information requirements of 36 CFR 215.6.

Additional information can be obtained from Bob Hawkins at 707-562-8699, or [rhawkins@fs.fed.us](mailto:rhawkins@fs.fed.us).