

**SUNRISE POWERLINK:
FINAL – Response to Non-Compliance Report #3
Violations of Peninsular Bighorn Sheep Construction Monitoring Plan**

Corps of Engineers File Number: SPL-2007-00704-SAS
State Water Resources Control Board File Number: SB09015IN
Department of Fish and Game Notification Number: 1600-2009-0365-R5

Date Filed:	1/5/12		
Preliminary Notification Date	12/27/11		
Date/Time of Event:	12/22/11 at approximately 8:10 am and 12/26/11 at 2:24 pm and 2:42 pm		
Event Location	Mountain Springs Grade		
Reported by:	Robert Jackson General Manager and Director – Construction and Engineering Sunrise Powerlink 1010 Tavern Road; Alpine, CA 91901 – SD1116 rcjackson@semprautilities.com		
Originator/Reporter:	Valerie Yep and Anne Coronado CPUC EM and Aspen		
Witnesses:	N/A		
Responsible Department(s)	<input checked="" type="checkbox"/> Aviation (Beige section below) <input checked="" type="checkbox"/> Construction/Operations <input checked="" type="checkbox"/> Environmental <input type="checkbox"/> Public Affairs <input type="checkbox"/> Safety <input type="checkbox"/> Waters of the U.S./State (Environmental) (Blue section below)		
Aviation	N/A		
Aircraft Involved:	PAR 12/22/11: N5205G 12/26/11: N118MC (both incidents)		
Waters of the U.S./State	None		
Effect on Waters of the U.S. and/or Waters of the State	None		
Location:	Mapsheet #	Structure or Facility	Water #

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<p>UTM or Other Coordinates</p>	
<p>Type of Project Impact Associated with incident</p>	<p> <input type="checkbox"/> Permanent impact <input type="checkbox"/> Temporary impact <input checked="" type="checkbox"/> Other (None. Although helicopters and crews were out of compliance with mitigation measures, the lead PBS biologist reported that no PBS appeared to be harassed or harmed as a result of the activities.) </p>
<p>Injuries or Property Damage</p>	<p>No</p>
<p>Cited Permit/ Mitigation Measure</p>	<p>MM B-7c SS-CM-16 SS-CM-18 PBS Construction Monitoring Plan</p>
<p>Compliance Level</p>	<p>Level 2</p>
<p>Corrective Action(s)</p>	<p>SDG&E takes these events very seriously and has made repeated efforts to ensure that contractors stay in compliance, as evidenced by our communications with PAR, development of a GIS flight corridor, and environmental stand downs and re-training sessions. In response to the incidents on 12/22/11 and 12/26/11, SDG&E ensured that the following took place:</p> <ol style="list-style-type: none"> 1. Refresher course and appropriate reprimand for ground foreman who radioed the pilot on December 22 that the area was clear for flights. 2. Although all construction work has stopped in PBS habitat areas at this time, the daily Garmin push provided to pilots includes the flight restrictions in this area (remaining 1,500 feet AGL and .6 miles from perennial water source) per the PBS Construction Monitoring Plan. Periodic special advisories about any restrictions are also provided to pilots and ground crew. <p>These steps are in addition and supplemental to steps SDG&E undertook in October-December 2011 (noted below) to further ensure no additional helicopter incursions occur.</p> <p>In early December 2011, SDG&E coordinated with PAR to develop a communication system that would prevent helicopter incursions into bighorn sheep habitat, specifically between EP269 and EP281. On December 6, 2011, PAR's Compliance Manager for Helicopter Operations</p>

	<p>sent an email to SDG&E and PAR's upper management that stated the following: "All flights into the PBHS area north of structure EP269 must receive a pre-entry clearance regardless of the time of day. There will be an Air Traffic Advisor (ATA) staged approximately at EP263B-2 who will be advised by a Sheep Monitor or by Sunrise Base. The current status of the sheep activity will be known to the ATA and to Sunrise Base. All pilots flying to a site within the PBHS area north of EP269 will contact the ATA on the assigned vector frequency and request permission to make the flight. Permission will be granted only if the activity is in conformance with Mitigation Measures."</p> <p>Additionally, previous corrective actions were taken in October and November 2011 to address and prevent incursions into bighorn sheep habitat by the contractor's helicopter pilots. Specifically, for the pilots, these actions included environmental stand downs and re-trainings where they were reminded of the requirements of the PBS Construction Monitoring Plan, approved flight corridors and flight restrictions as shown on their Garmin GPS units, and the consequences of not abiding by the PBS Construction Monitoring Plan, including possible termination of employment. SDG&E will continue to reinforce the policies and procedures that are required for the protection of natural resources.</p>
<p>Detailed Description of Event:</p>	<p>San Diego Gas & Electric Company (SDG&E) is in receipt of Sunrise Powerlink Transmission Project (Project) Non-Compliance Report (NCR) Number 3.</p> <p>NCR Number 3, issued on December 29, 2011, states the following:</p> <p>"A Non-Compliance Report (NCR) is being issued to SDG&E for helicopter entry into Peninsular Bighorn Sheep (PBS) habitat on three separate occasions. Additionally, this Non-Compliance is a follow up to Project Memorandum #7 issued on September 28, 2011 and NCR #2 issued on October 27, 2011. The first incident occurred on December 22, 2011 at approximately 8:10 am when a helicopter flew through the PBS occupied flight corridor just east of the Fromm Yard prior to clearance being issued from the PBS biologist. Helicopter clearance was given at 8:18 am by the PBS biologist. The second and third incidents occurred on December 26, 2011, at approximately 2:42 pm when a helicopter flew through an area that had been closed to low altitude flights (below 1,500 feet) due to the presence of PBS. The area was closed at 12:24 pm and was in the vicinity of EP272 through EP274. The helicopter was observed flying through the closed area twice."</p>

SDG&E takes the issuance of this and any non-compliance very seriously. We have conducted an investigation of the violation in PBS habitat and provide you with our findings here.

Issue 1 – Provide documentation/recount of what follow up actions were taken after each incident occurred:

12/22/11 Incident: Details of the incident were gathered from Art Davenport (lead PBS biologist) and Sunrise Base (Trac Plus flight data). Once it was determined that a helicopter had indeed entered bighorn sheep habitat several minutes prior to clearance, phone calls were made to the wildlife agencies informing them of the incident and a follow-up email summarizing the incident was sent to the CPUC and wildlife agencies.

After researching the event, PAR concluded that this was a ground control issue rather than a pilot issue. The ground foreman heard the all clear for ground activities and radioed the pilot in.

12/26/11 Incident: Details of the incident were gathered from Art Davenport (lead PBS biologist) and Sunrise Base (Trac Plus flight data) on December 27, 2011, since December 26 was a holiday. Additionally, on December 27, 2011, SDG&E requested a formal response from PAR's Compliance Manager for Helicopter Operations to describe the mission of the activity and a pilot statement. PAR responded that with regard to the reported PBS incident in the vicinity of EP272-274, the pilot was tasked with supporting wire and hydroseeding operations. The pilot stated that he had been supporting operations throughout the morning and into mid afternoon out of the Fromm Yard in the **upper** area of the grade, but using the S2 Yard to re-fuel. The pilot stated he was unaware of the partial PBS closure in the **lower** area that had closed between his fuel runs.

PAR aircraft are required to monitor PBS updates before flying into the lower grade (EP269-EP281); this requirement is in addition to the general PBS clearance broadcast. PAR pilots communicate on a designated channel for these updates.

Once details of the incident were confirmed on December 27, 2011, phone calls were made to the wildlife agencies informing them that a helicopter flew twice through an area that had been closed to low altitude flights (below 1,500 feet) due to the presence of PBS and a follow-up email summarizing the incident was sent to the CPUC and wildlife agencies.

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	<p><u>Issue 2 – Provide documentation on how SDG&E plans to prevent similar incidents from occurring in the future:</u></p> <p>Please see Corrective Actions above.</p>
Follow-up Required	No further action required.
Attachments	None
Confirmation of Receipt	<p>If you acknowledge receipt of this form and no further action is needed, please retain for your records. If, however, you would like additional information to determine regulatory action needed, please contact Rachel Romani Briles, SDG&E, Environmental Compliance Project Manager, Sunrise Powerlink Project: 858-636-6865 (office) 858-750-0754 (cell) rromani@semprautilities.com</p>

Distribution List:

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|-------------------------------------|------------------------|-------------------------------------|------------------------|-------------------------------------|--------------------|
| <input checked="" type="checkbox"/> | Billie Blanchard, CPUC | <input checked="" type="checkbox"/> | Anne Coronado, Aspen | <input checked="" type="checkbox"/> | Vida Strong, Aspen |
| <input checked="" type="checkbox"/> | Tom Zale, BLM | <input checked="" type="checkbox"/> | Cassandra Garza, Aspen | <input checked="" type="checkbox"/> | Erinn Wilson, CDFG |
| <input type="checkbox"/> | Brian Paul, USFS | <input checked="" type="checkbox"/> | Fritts Golden, Aspen | <input checked="" type="checkbox"/> | Eric Porter, USFWS |