



**SUNRISE POWERLINK:
FINAL – Response to Non-Compliance Report #4
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:	1.11.2012		
Preliminary Notification Date	12.31.2011		
Date/Time of Event:	12.31.2011 at 10:20 a.m.		
Event Location	EP263A-2		
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 CPUC EM		
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			
Aircraft Involved:	Haverfield: 27P UPC: N67FF		
Waters of the U.S./State	Must be submitted within 24 hours of incident. N/A		
Effect on Waters of the U.S. and/or Waters of the State	N/A		
Location:	Mapsheet #	Structure or Facility	Water #



UTM or Other Coordinates:	
Type of Project Impact Associated with incident	<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.)
Injuries or Property Damage	No
Cited Permit/Mitigation Measure	MM B-1c, MM B-7c, SS-CM-16, SS-CM-18, and PBS Construction Monitoring Plan
Compliance Level	Level 3
Corrective Action(s)	<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 flight corridor, and environmental stand downs and re-training sessions. In response to the incident on 12/31/11, SDG&E ensured that the following took place:</p> <ol style="list-style-type: none"> 1. Although the rationale from the contractor for using this staging area was for expediency and increased safety, SDG&E's contractor understands that this was not an appropriate decision under any circumstances. 2. SDG&E has made it very clear that an action of this kind in the future will result in serious consequences, including possible termination. 3. All crews were reminded of the importance of working within the approved Project right of way at the January 4, 2012, tailboards. <p>These corrective actions are in addition and supplemental to steps SDG&E undertook in October through December 2011 (noted below) to avoid additional helicopter incursions.</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 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.</p>



	<p>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 4.</p> <p>NCR Number 4, issued on January 4, 2012, states the following:</p> <p>”A Non-Compliance Report (NCR) is being issued to SDG&E for staging equipment and landing a helicopter outside of approved project area inside of Peninsular Bighorn Sheep (PBS) habitat. Additionally, similar PBS Construction Monitoring Plan violations have been noted in Project Memorandum (PM) #7 issued on September 28, 2011, NCR #2 issued on October 27 2011, and NCR #3 issued on December 29, 2011. On December 31, 2011, at approximately 10:20 am, the CPUC Environmental Monitor observed marker balls being staged as well as a helicopter landing on an unapproved service road adjacent to Interstate 8. The unapproved service road is in the vicinity of EP263A-2. No biological monitor was observed to be on site. SDG&E notified CPUC monitors of the incident at approximately 2:45 PM. It was also noted that USFWS and CDFG were simultaneously being informed of the incident.”</p> <p>”As the area impacted in both incidents was not approved project workspace, document that resource sweeps were performed before any activity took place. If they were not performed prior to the activity, provide a resource impact analysis for the areas that have been impacted, addressing all Project mitigation measures related to the respective area. Provide documentation that notification of the road having been used for helicopter landing was provided to the</p>

County and CalTrans. Additionally, indicate all protective measures that were utilized to provide public safety during this operation. Provide a response to the items noted above no later than January 11, 2012.”

SDG&E provides this summary of events on December 31, 2011:

Valerie Yep (Aspen/CPUC EM) boarded a helicopter flight to review work in the Mountain Springs Grade and during the flight noted an area being used for staging of marker balls near EP263A-2 that was not within SDG&E’s approved work limits. (Following this summary are photographs taken by Ms. Yep of the area in question.)

Upon his own notification, Alan Colton (SDG&E Manager-Environmental Services for Sunrise Powerlink) immediately sent e-mail notification to Valerie Yep, Anne Coronado (Aspen), and Vida Strong (Aspen) confirming that SDG&E had been made aware that marker balls were staged outside of the approved work area near structure site EP263A-2. The marker balls were placed on an existing private road surface and not on habitat; however, these areas were not previously approved work areas through either a variance or TEWS process. The area was within bighorn sheep territory, but outside barefoot banded gecko territory which begins at approximately structure EP265.

Karen Wilson (SDG&E Senior Environmental Specialist) notified Erinn Wilson (CDFG) and Eric Porter (USFWS) about the event via voice mail at 2:45 pm and 2:47 pm, respectively.

SDG&E investigated the circumstances surrounding the decision to place the materials in this area and provides the following in response to NCR # 4’s Correction Comments:

- Appropriate sheep clearance surveys of the area in question were conducted by the Peninsular bighorn sheep biologist prior to placement of the marker balls. The area was cleared at 8:01 am. There have been no sheep observed in this area over the past 3 years of surveying. The area is not located within barefoot banded gecko territory.
- No biological monitor was required or present with the crew that delivered the marker balls to the area. A biological monitor was dispatched to the area after the event to assess any impacts to the existing road and surrounding areas; no impacts were noted to this previously disturbed, paved road or the surrounding areas.
- As December 31 was the final day of work in PBS habitat, the activity level was high, leading to congestion at the Fromm Yard.
- For safety reasons, a decision was made by the contractor to use this




area (the paved road) over the extremely congested Fromm Yard, as all other areas or yards in PBS habitat were in the process of being restored, and the marker balls were delivered by truck to the area.

- As a result of the sequence of events, no prior entry notification was provided to the land owner or Caltrans. A PAR helicopter supporting wire stringing activities (specifically marker ball and damper installation) was in the air after the PBS corridor was cleared for both air and ground. PBS monitors were in the vicinity of the operation.
- PAR/UPC long lined the marker balls from the paved road position; Haverfield landed in the open area next to the road. UPC landed to pick up vibration dampers. In short, there was a combination of both long lining and landings to complete the work.
- All safety measures for the protection of the general public were followed. In addition to the Peninsular Bighorn Sheep Construction Monitoring Plan, aircraft were also in compliance with FAA regulations pertaining to external loads and flights in congested areas.

SDG&E construction crews removed the materials from outside of the work area prior to 4:00 pm on December 31.

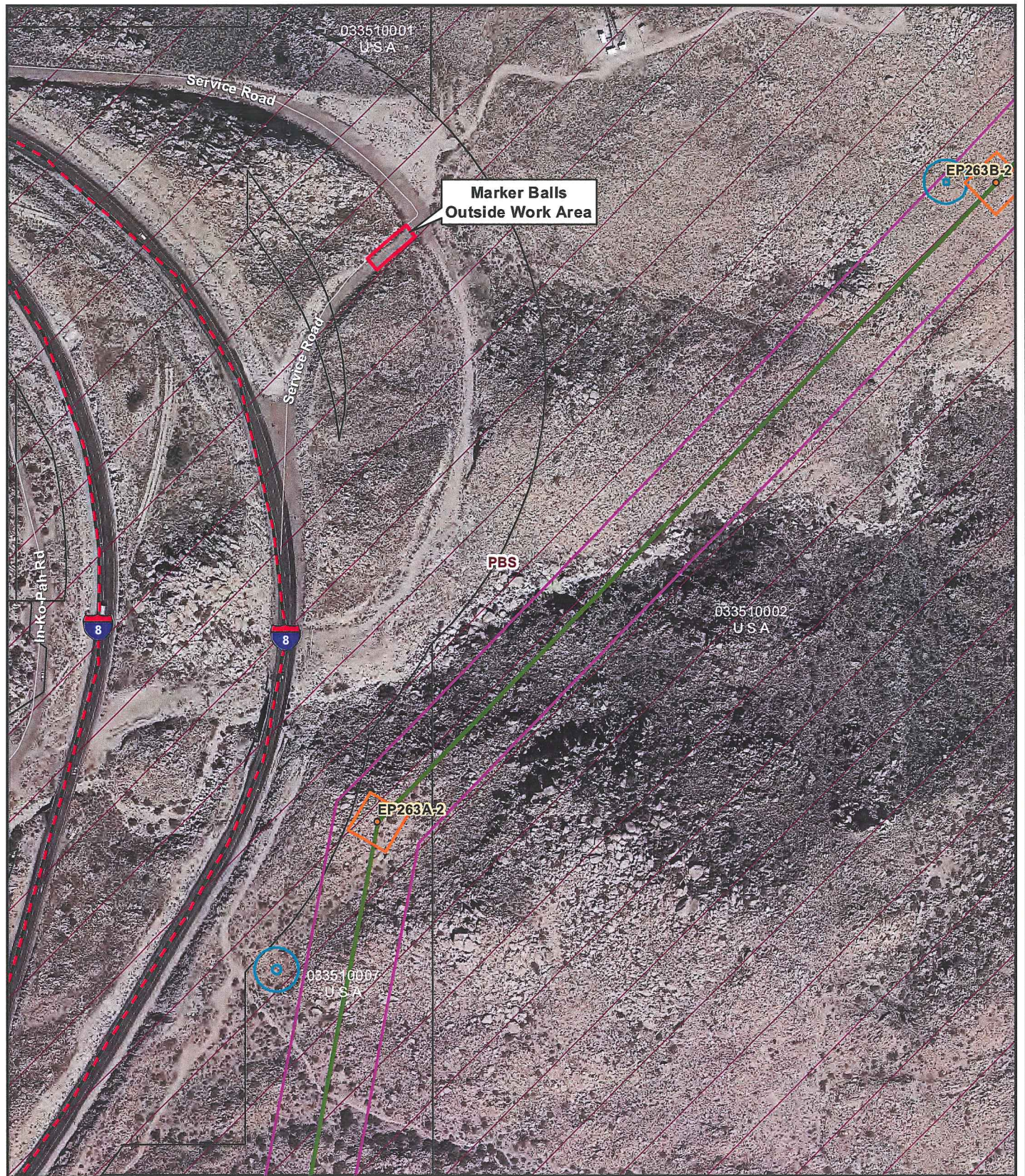


Photo 1 depicting the area where marker balls were delivered for helicopter transport.

	
	<p><i>Photo 2 depicting the area where marker balls were delivered for helicopter transport.</i></p>
<p>Follow-up Required</p>	<p>SDG&E and PAR will continue to remind pilots of any flight restrictions per the Project’s mitigation measures, permits, or other sensitive resource protection plans.</p>
<p>Attachments</p>	<p>Map of marker ball placement area. PBS log for December 31, 2011.</p>
<p>Confirmation of Receipt</p>	<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) rbriles@semprautilities.com</p>

Distribution List:

- | | | |
|--|--|--|
| <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 |



**Sunrise Powerlink Alignment
California, USA**





Date Printed: 1/3/2012 Author: stondre
 Name: 12-0001 Marker Ball placement.Mxd

- Legend**
- Structure
 - Sunrise 500kV Overhead
 - Right of Way
 - Structure Pad Area
 - Tower Staging Access Pad
 - PBS Habitat

**Marker Balls
Outside Work Area**



BHS Monitoring Log

Completed by: Doug Collier

Date: December 31, 2011

BIG HORN SHEEP CLEARANCE	GROUND ONLY	AIR/GROUND	CLEARED BY
SITE	TIME	TIME	MONITOR NAME
EP 256 – 261 AER/FROMM YARD	7:04 AER/FROMM Clear Ground & EP255 Access Rd / Pullsite	7:30 EP256 – EP267 8:01 – all clear	Karen Carter
EP 262 – EP 263A		7:30 EP256 – EP267 8:01 – all clear	Karen Carter Mike Rathbun
EP 263B – EP 269		7:30 EP256 – EP267 8:01 – all clear	Drew Farr
EP 269 – EP 273	7:04 EP269 Guard Structure/Access Rd/Pullsite Clear Ground/Alt Fly Yard	8:01	Tim Searl Mikaila Rimbenieks
EP 274 – EP 278		8:01	Gregg Lukasek
EP 279 – EP 281	7:04 EP281 – EP294 Guard Structure/Access Rd/Pullsite Clear Ground	8:01	Eric German
EP 290 – EP 294	7:04 Guard Structure/Access Rd/Pullsite Clear Ground	8:01	Eric German
EP 300 – EP 312		8:01	Art Davenport

Restriction = None

ALL CLEAR @: 8:01

CLEARED BY: Art Davenport