




A  Sempra Energy utility™

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California Energy Commission
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DOCKET	
08-AFC-4	
DATE	<u>Nov 19 2008</u>
RECD.	<u>Nov 19 2008</u>

Subject: Orange Grove Project (08-AFC-4)

Dear Ms. Miller:

The purpose of this letter is to explain the applicability of San Diego Gas & Electric's (SDG&E) Subregional Natural Community Conservation Plan (NCCP) as it relates to the transmission line upgrades associated with the above referenced project.

Both the USFWS and CDFG entered into an agreement (1995) with SDG&E which establishes and implements a long-term conservation plan for the preservation and conservation of covered species and their habitat. This agreement is known as the SDG&E Subregional Natural Community Conservation Plan (NCCP). The NCCP is a Section 10A permit for incidental take and a Section 2081 Permit with an implementation agreement with CDFG and USFWS for the management and conservation of multiple species and their associated habitats. The NCCP allows SDG&E to develop, maintain and repair all of its facilities within the NCCP coverage area. The NCCP's Implementing Agreement states that the mitigation, compensation and enhancement obligations contained in the Agreement and the NCCP meet all applicable standards and requirements of the California Endangered Species Act, the federal Endangered Species Act, the Natural Communities Conservation Plan Act and the Native Plant Protection Act with regard to SDG&E's activities in the Subregional Plan Area.

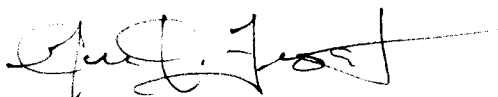
The proposed transmission system upgrade is located within the Subregional plan area. Environmental impacts for the transmission line upgrades associated with the Orange Grove project have been assessed and were included in 2008g, Attachment 11, Environmental Impact Analysis for the Reconductoring of SDG&E Transmission Lines 698B and 698E included in the responses to data requests from the September 11, 2008 CEC workshop.

The proposed transmission line upgrades will incorporate all appropriate avoidance and minimization measures by implementing any of the appropriate 61 operational protocols outlined in Chapter 7.1 of SDG&E's NCCP. Through the implementation of these field

protocols in addition to avoidance of resources, mitigation, habitat enhancement and reclamation measures as required by the NCCP, project impacts to biological resources will be less than significant. Examples of avoidance and minimization measures would be: avoidance of work during the bird breeding season (seasonal avoidance); an SDG&E biologist will spot check to see if any nests are present in any trees within the construction area during pole removal and placement. If nests are present, work would be halted until a qualified biologist can visit the site and make a determination to continue work. Additionally, minimizing impacts by not clearing and grubbing vegetation and/or using a helicopter to set poles rather than driving in an area (minimization) which are standard SDG&E procedures will reduce impacts to a level of non-significance. All impacts will be mitigated according to the established mitigation ratios discussed in Chapters 7 and 7.4 of the NCCP and will be reported to USFWS and CDFG per the guidelines of the NCCP.

Additionally, I am forwarding a copy of SDG&E's NCCP for your reference. Please feel free to contact me with any questions at 858-637-3702.

Sincerely,



Grant Frost
Environmental Services Manager
SDG&E

CC: Taylor Miller—Sempra Energy
Steve Taylor—SDG&E
Steve Thome—Orange Grove Energy
Joe Stenger—TRC
Jane Luckhardt – Downey Brand



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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**APPLICATION FOR CERTIFICATION
ORANGE GROVE POWER
PLANT PROJECT**

**DOCKET No. 08-AFC -4
PROOF OF SERVICE
Revised 10/27/08**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

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DECLARATION OF SERVICE

I, April Albright declare that on November 19, 2008 I deposited copies of the attached Letter Regarding SDG&E's Subregional Natural Community Conservation Plan in the United States mail at Sacramento, CA, with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets
April Albright

Attachments