

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

June 17, 2009

Donald Johnson
Project Manager
Southern California Edison
2131 Walnut Grove Ave.
Rosemead, C 911770

RE: SCE Antelope Transmission Project, Segment 3A – Variance Request #46

Dear Mr. Johnson,

On June 2, 2009, Southern Californian Edison (SCE) submitted a variance requesting to modify the currently approved access road plan for access roads from Const 10 to 22 and for Const 51 in Segment 3A of the Antelope Transmission Project in unincorporated Los Angeles County, California. Clarification to the variance request was provided by SCE on June 11. **This Variance Request is approved by CPUC for the proposed activities based on the following factors:**

- SCE submitted the following information:

SCE would like to modify the currently approved access road plan for access roads from Const 10 to 22 and for Const 51 in Segment 3A. The currently approved access road plan uses existing Los Angeles Department of Water and Power (LADWP) access roads. LADWP has directed SCE to not use these existing roads for construction and maintenance purposes.

Access Roads to Const 10 to Const 22

Southwest of Tehachapi Willow Springs Road, the new Segment 3A right-of-way between Const 20 and Const 21 crosses the LADWP aqueduct. LADWP has directed SCE to not use existing access roads along the aqueduct in order to protect this resource during construction and maintenance of the new towers. To access the new towers in this area, other existing access roads will be utilized to avoid crossing the aqueduct and/or using the roadway along the aqueduct. As a result, several existing access roads will not be utilized and will be removed from the road plan. Only two existing roads off of Tehachapi Willow Springs are being added to the Segment 3A access road layout. Both roads will not require improvements. The first of these roads runs west of Tehachapi Willow Springs Road and will provide access to the alignment mid-way between Const 21 and Const 22. The second existing road is located to the north, directly east of Const 20. This road provides access to the Segment 3A alignment just south of the LADWP aqueduct. As an added measure to protect the aqueduct, SCE will locate "k-rail" barricades and signs in various locations to ensure construction crews do not use existing access roads on LADWP property. The k-rail barricades will be pre-cast concrete with dimensions of 32 inches high, 24 inches wide, and 120 inches long.

Access Roads to Const 51

Two existing roads are proposed to be utilized south of Const 51. The use of these two existing roadways minimizes the impact to Grimway Farms.

- **Biological Resources:** Biological field surveys were initially conducted at the Const 10 to Const 20 road variance alignment area on March 28 and April 10 and 17, 2009. Surveys at the Const 51 road variance alignment area were conducted on March 27 and 28, 2009. Locations of k-rails at the

junctions of existing dirt roads and a 300-foot buffer area were surveyed on April 13 and 14, 2009. In addition, recent and previous springtime pre-construction surveys that have included 500-foot buffer zones from the alignment, including some but not all of these variance request areas, have been conducted in 2009 and 2008. These surveys focused on biological issues as described in the mitigation measures of the Final EIR (Aspen 2006). These surveys represented focused surveys for western burrowing owls, American badger, nesting raptors, breeding birds, San Gabriel oak, short-joint beavertail, California red-legged frog, desert tortoise, Swainson's hawk, Mohave ground squirrel, southwestern pond turtle and two-striped garter snake, and other sensitive species.

No sign of sensitive plant or wildlife species was observed along the Const 10 to Const 20 road variance alignment area, including k-rail locations. This area is characterized by creosote bush scrub vegetation dominated by creosote (*Larrea tridentate*), with highly scattered Joshua trees (*Yucca brevifolia*) and Mormon tea (*Ephedra* sp.). In mid-May, desert tortoises (*Gopherus agassizii*) were observed within 2.5 miles north of this location. Desert tortoise may occur along these two existing access roads, but no sign of tortoise was observed during the initial surveys. An active Swainson's hawk (*Buteo swainsoni*) nest was discovered in May, after initial surveys, in a Joshua tree 100 feet south of Highgate Road. The nest is approximately 2.95 miles south-southeast of the nearest of these two access roads and is located outside the required half-mile buffer for Swainson's hawk nests.

For the Const 51 roadway area, one burrow with western burrowing owl (*Athene cunicularia*) sign consisting of the owl, pellets and whitewash was observed about 135 feet north of Const 51. In addition, three burrows that do not display burrowing owl signs, but are of a size that could accommodate burrowing owls, were recorded. These burrows are considered to represent potential western burrowing owls burrows. The vegetation in the Const 51 road variance alignment area consists of a mixture of creosote bush scrub and saltbush scrub dominated by saltbush (*Atriplex polycarpa*), and previously disturbed areas. As condition of this variance, SCE shall consult with CDFG regarding buffer distances for western burrowing owls. No significant impacts to biological resources are anticipated with the implementation of the conditions noted below.

- **Cultural & Paleontological Resources:** A search for archeological and historic records for Segment 3A of the Tehachapi Renewable Transmission Project was conducted by ECORP Consulting, Inc. (Ahmet et al. 2006). ECORP consulted the South Central Coastal Information Center, the Angeles National Forest Heritage Resources Section, the National Register of Historic Places, the California Inventory of Historic Resources, California Points of Historical Interest, and the California Historical Landmarks. The proposed project area falls within the one-mile search radius and no cultural resources are known.

The Paleontological Resources Management Plan Segments 2 and 3 of the Tehachapi Renewable Transmission Project was prepared by Cogstone Resource Management Inc. (Gust and Scott 2008). No paleontological localities have been previously discovered in the project vicinity and the sediments (recent Quaternary alluvium) are low in sensitivity for paleontological resources (Figure 6g in Gust and Scott 2008).

Cogstone Resource Management conducted the survey of the proposed project area on March 5, 2009. The survey consisted of a two person crew walking the project area while closely inspecting the ground surface. Transects were walked at 10 meter intervals. Sediments in the project area were loose, brown coarse-grained alluvium. No archaeological or paleontological resources were observed. No significant impacts are anticipated.

- On February 12, 2009, CPUC approved the Segment 3A Revised Access and Spur Road Report, which includes permanent access roads with a maximum gradient of ten percent or less, located

within the SCE right-of-way, along existing SCE Patrol Roads, LADWP Patrol Roads, or off existing farm and county roads. All proposed roadways under this variance are existing roadways with no improvements required.

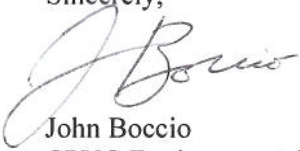
The conditions noted below shall be met by SCE and its contractors:

- Biological survey sweeps shall be conducted and results submitted to the CPUC for review and approval prior to equipment and vehicles mobilizing into an area. After complete surveys have been submitted and approved by the CPUC, site occupation can occur; however, if occupation does not occur within seven calendar days of survey submittals, biological clearance sweeps shall be re-conducted prior to site occupation, including nesting bird surveys during the breeding season.
- SCE has assigned Biological Monitors to the Project. They are responsible for ensuring that impacts to special-status species, native vegetation, wildlife habitat, or unique resources are minimized to the fullest extent possible. The Biological Monitor shall be on-site to monitor all work and shall conduct sweeps of the approved areas which will be impacted. If breeding birds with active nests are found, a biological monitor shall establish a 300-foot buffer around the nest and no activities will be allowed within the buffer until the young have fledged from the nest or the nest fails. The 300-foot buffer may be adjusted to reflect existing conditions including ambient noise and disturbance only with the approval of the CDFG and/or USFWS (Please note that the CPUC must be notified prior to the onset of construction). The biological monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer until the nesting cycle is complete or the nest fails. If nesting birds move into the work area SCE will monitor the nest to ensure that their activities do not result in the loss or failure of the nest. A preliminary 300-foot buffer area around the nest will be established and SCE shall coordinate with the CPUC, CDFG and/or USFWS.
- One active and three potential western burrowing owls burrows were identified near Const 51. In accordance with Mitigation Measures B-19a, a 250 foot buffer shall be established. If a reduction in the buffer is desired, SCE shall consult with CDFG regarding buffer distances between proposed construction activities and the western burrowing owl burrows and/or potential burrows. SCE shall provide verification of consultation with CDFG regarding the protection of burrowing owls and burrows to the CPUC.
- Per Mitigation Measure B-4b, CDFG and CPUC shall field verify temporary and permanent impacts to Joshua tree woodland habitat. SCE shall coordinate with CDFG and CPUC to acquire and ensure permanent protection of mitigation lands.
- If special-status plant or animal species are observed within the project area, the CPUC EM and CDFG shall be notified immediately.
- If unanticipated cultural discoveries occur, work must halt in the immediate vicinity until the find can be evaluated by a qualified archaeologist to determine if it meets significance criteria under CEQA.
- All project mitigation measures, compliance plans, and permit conditions shall be implemented during construction activities. Some measures are on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable.
- Prior to the commencement of construction activities, all crew personnel including haul truck and concrete truck drivers shall be appropriately WEAP trained on environmental issues including

protocols for air quality, hazardous materials, biological resources, known and unanticipated cultural materials, as well as SWPPP BMPs. A log shall be maintained on-site with the names of all crew personnel trained.

- All k-rails barricades and signs shall be installed prior to use of the subject roadways. In addition, all approved access roads shall be flagged prior to their use.
- If construction debris or spills enter into environmentally sensitive areas, the jurisdictional agencies and CPUC EM shall be notified immediately.
- Copies of all relevant permits, compliance plans, and this Variance shall be available on site for the duration of construction activities where applicable.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Boccio", written in dark ink.

John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen