

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



May 2, 2013

Mr. Koral Ahmet  
Devers-Palo Verde No. 2 Transmission Project  
6 Point Drive, 1st Floor  
Brea, CA 92821-6320

RE: SCE Devers-Palo Verde No. 2 Transmission Line Project – Variance Request #82

Dear Mr. Ahmet,

On April 23, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for the addition of temporary walking paths from Towers 1031 to 1032, 1034 to 1037, and 1048 to 1051 along the Devers-Valley segment of the Devers-Palo Verde No. 2 (DPV2) Transmission Project.

The CPUC voted on January 25, 2007 to approve the SCE DPV2 Transmission Line Project ([Decision D.07-01-040](#)). On May 14, 2008, SCE filed a Petition for Modification (PFM) of the existing Certificate for Public Convenience and Necessity (CPCN) approved per Decision D.07-01-040. SCE requested that the CPUC authorize SCE to construct DPV2 facilities in only the California portion of DPV2 and the Midpoint Substation (now called the Colorado River Substation) near Blythe, California. The CPUC approved SCE's PFM on November 20, 2009 in [Decision D.09-11-007](#).

After the CPUC's 2009 Decision regarding the PFM, several large solar power projects were proposed in the Blythe and Desert Center areas. SCE filed Permit to Construct applications addressing expansion of the Colorado River Substation and construction of a new Red Bluff Substation. These components were not covered in the original DPV2 Final EIR/EIS, because the solar power projects had not yet been proposed, and supplemental environmental review has been conducted. The Colorado River Substation Expansion and the Red Bluff Substation were both approved by the CPUC on July 14, 2011 in Decisions D.11-07-011 and D.11-07-020, respectively.

The BLM issued a Record of Decision approving the Project on July 19, 2011 and approved exclusionary fencing activities on August 23, 2011. The Project also crosses lands under jurisdiction of the U.S. Department of Agriculture Forest Service on the San Bernardino National Forest within an existing Forest Service-issued easement. The Forest Service will issue a revised easement signed by the Forest Supervisor. The area requested under this variance does not fall under Forest Service jurisdiction.

The CPUC also adopted a Mitigation, Monitoring, Compliance and Reporting Program (MMCRP) to ensure compliance with all mitigation measures imposed on the DPV2 Project during implementation. The MMCRP also acknowledges that minor project refinements as a result of final engineering are anticipated and common practice for construction efforts of this scale and that a Variance Request would be required for these activities. This letter documents the CPUC's thorough evaluation of all activities covered in this variance. The CPUC has concluded that the activities under this variance are located within the geographic boundary of the study area of the Final EIR/EIS and Supplemental EIR, and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the criteria used in the environmental documents;

conflict with any mitigation measure or applicable law or policy; or trigger an additional permit requirement.

Variance #82, which approves the subject walking paths, is granted by CPUC for the proposed activities based on the factors described below.

**SCE Variance Request.** SCE has requested a variance under NTP #10 along the Devers-Valley segment for the addition of temporary walking paths from Towers 1031 to 1032, 1034 to 1037, and 1048 to 1051. Excerpts from the SCE Variance Request, received on April 23, 2013, are presented below (indented).

Southern California Edison (SCE) is requesting the addition of temporary walking paths within SCE's Right of Way on privately owned land from on Towers 1031 to 1032, 1034 to 1037 and 1048 to 1051. The walking paths and approximate location of CPUC jurisdiction boundaries are shown on the attached figures [to SCE's Variance Request].

The walking paths will provide access for construction personnel to helicopter access towers where there are no existing roads. The addition of the walking paths will allow micropile foundation and other crews to continue work during inclement wind conditions that prevent helicopters from safely landing at temporary landing platforms associated with these locations. Activities will include foot travel only.

Additionally, on April 26, 2013, SCE submitted additional information and confirmed that "the walking paths are needed to provide flexibility for all crews working at sites between 1031 and 1051 because helicopter access is frequently "blown out" by wind conditions."

#### **CPUC Evaluation of Variance Request**

In accordance with the MMCRP, the subject variance request was reviewed by CPUC to confirm that the proposed request was within the geographical context of the Final EIR/S and that no new impacts or increase in impact severity would result from the requested variance activities. The following discussion summarizes this analysis for biological resources, cultural resources, paleontological resources, noise/sensitive receptors, and other issue areas. A list of mitigation compliance conditions is presented below to define additional information and clarifications regarding mitigation requirements.

**Biological Resources.** The terrain between Towers 1031 to 1032, 1034 to 1037, and 1048 to 1051, features dynamic topography, including steep slopes, and rocky outcrops. As such, the staked walking paths meander through the more easily traversed terrain between tower sites, which are engineered to be less challenging for walking. According to SCE's Biological Resources Review memo (dated April 23, 2013), the proposed walking path modifications would result in a net increase of temporary impacts to modeled desert tortoise habitat and modeled Coachella Valley milk-vetch (0.62 acre and 0.03 acre, respectively). Implementation of the proposed walking path modifications would also result in a net increase of temporary impacts to special-status vegetation community southern mixed chaparral (0.42 acre). The staking for the proposed walking paths have been field validated by the CPUC Environmental Monitors (EMs).

Any disturbance impacts have been incorporated into the compensatory mitigation acreages addressed in SCE's Habitat Acquisition Proposal developed by Wildlands, Inc. and approved by the regulatory agencies in April 2012. Habitat restoration activities for temporary disturbance areas are described in the DPV2 Habitat Restoration and Compensation Plan, which is in the process of being revised and finalized (CH2M HILL, 2012b).

During helicopter operations, the activity for which the walking paths are needed, monitors will be performing preconstruction sweeps of the tower sites, but as a safety precaution will not be present to escorts crews along the walking paths throughout the day. There is a low potential for special-status

plant or wildlife species to exist in this habitat. The primary potential biological constraint is nesting birds.

SCE has stated that 10-Day Nesting Bird Surveys will be conducted, including a limited buffer of 20 feet on each side of the staking, instead of preconstruction surveys. Active bird nests found within the 40-foot wide pathway will prompt a requested alteration of the route. Active nest buffers that intersect the path will be irrelevant since mobilizing of people and hands tools through the buffers can be considered ingress/egress and is permitted under a previous agreement with California Department of Fish and Wildlife. Sections of the path that intersect bird nest buffers will be mark as Environmentally Sensitive Areas (ESAs).

The CPUC generally agrees with SCE's statement that the sporadic, transient, and relatively quiet nature of the activities are not expected to cause distress to nearby nesting birds. However, to ensure minimization of impacts to nesting birds, SCE shall adhere to the following conditions:

- The vegetation along a path is not to be touched (i.e., brushed against intentionally, branches pulled, branches cut, etc.).
- Voice volume should be kept to a minimum at all times, and there should be no talking when within an ESA nest buffer.
- Loitering on a path is prohibited.
- Straying from a path is prohibited.

As conditioned below, SCE shall provide updated construction and biological resources constraints maps showing the walking path disturbance areas to the CPUC EMs and all monitors in the field prior to walking activities at the subject paths. All mitigation measures, APMs, and conditions of the Biological Opinion (BO), shall be implemented.

**Cultural Resources.** The Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project was accepted on October 20, 2011. No cultural resources were identified within or immediately adjacent to any of the proposed walking paths. Since the walking paths are for foot traffic only, minimal ground disturbance will occur and no mitigation compliance conditions are recommended for cultural resources.

**Paleontological Resources.** Based on the Paleontological Monitoring and Treatment Plan, submitted to the CPUC on April 20, 2011, the potential to encounter paleontological resources near any of the walking paths is low. Since ground-disturbing activities will include foot travel only, no mitigation compliance conditions are recommended for paleontological resources.

**Noise/Sensitive Receptors.** There are no sensitive receptors in the immediate vicinity of the walking paths, which are located within SCE's right-of-way on privately-owned land. Use of the walking paths would include pedestrian foot traffic only and would be used in place of helicopter construction. Thus, use of the walking paths would not generate noise beyond that which would occur during construction activities at the tower sites. Appropriate noise and land use mitigation measures would apply. The overall scope and duration of construction activities has not changed as a result of the variance.

**Other Issue Areas.** No concerns noted under this variance.

**Mitigation Compliance Conditions of Variance Approval.**

The mitigation compliance conditions presented below shall be met by SCE and its contractors:

1. All applicable project mitigation measures, APMs, conditions of the Biological Opinion, compliance plans, permit conditions and NTP conditions shall be implemented. Some measures have on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable.
2. Copies of all relevant permits, compliance plans, and this Variance approval shall be available on site for the duration of construction activities.
3. SCE shall provide updated construction and biological resources constraints maps showing the walking paths from Towers 1031 to 1032, 1034 to 1037, and 1048 to 1051 to the CPUC EMs and all monitors in the field prior to any construction activities along the walking paths.
4. The vegetation along a path shall not be touched (i.e., brushed against intentionally, branches pulled, branches cut, etc.).
5. Voice volume shall be kept to a minimum at all times, and there shall be no talking when within an ESA nest buffer.
6. Loitering on a path is prohibited.
7. Straying from a path is prohibited.
8. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
9. All crew members shall be Safe Worker and Environmental Awareness Program (SWEAP) trained prior to working on the project. A log shall be maintained on-site with the names of all crew personnel trained. For any crew members with limited English, a translator shall be on-site to ensure understanding of the training program. In place of a translator, the SWEAP training brochure can be provided in Spanish or other languages as appropriate. All participants will receive a hard-hat sticker for ease of compliance verification.

Please contact me if you have any questions or concerns.

Sincerely,

*Billie Blanchard*

Billie Blanchard  
CPUC Environmental Project Manager  
DPV2 Transmission Project

cc: Kelly Pell, Southern California Edison  
Sylvia Granados, Southern California Edison  
Vida Strong, Aspen Environmental Group  
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