STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor
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 3B – Variance Request #47

Dear Mr. Johnson,

On May 28, 2009, Southern Californian Edison (SCE) submitted a variance requesting approval of the water storage pond installed within the Windhub Substation and two tanks installed on the nearby CalPortland Cement Plant property, unincorporated Kern County, California. These improvements were installed to facilitate control of fugitive dust emissions while grading of the substation site; however, neither improvement was addressed under the project EIR for the Antelope Transmission Project, and Non-Compliance Report #5 was issued by the CPUC on May 22. On May 26, SCE suspended further use of the water tanks until a variance has been processed (as noted, the variance request was submitted on May 28). On June 11, SCE submitted the pending special-status riparian bird focused survey report and provided clarification that "it is unlikely that there is a need to resume use of the water tanks as alternate water sources have been identified and approved by the CPUC. SCE is currently coordinating with the contractor on the schedule for removal of the water tanks." Two alternative water sources (hydrants) were approved by the CPUC Environmental Monitor (EM) on June 2 and 9 as Temporary Extra Workspaces (TEWS). Water transport to the substation site and grading resumed at that time. In addition, SCE has received Kern County permits and CPUC authorization for a permanent groundwater well within the Windhub Substation site. Development of this well is nearing completion. **This Variance Request is approved by CPUC for the proposed activities based on the following factors:**

- The water storage pond is located within the Windhub Substation footprint and is used for filling on-site water trucks during grading activities. The pond is approximately 100 feet by 100 feet and 10 feet deep, and holds approximately 8,000 gallons of water. Because of the volume of water needed to control fugitive dust on the 80 acres site, it was determined by the contractor that the pond was needed. The pond was installed after the site was surveyed and cleared of vegetation in preparation of grading activities. If the groundwater well that is currently being installed provides sufficient water to complete grading operations, the pond will be removed prior to the completion of grading. Otherwise, the pond will be removed when grading in the area of the pond needs to be completed.

  The alternate water sources, two water hydrants off of Tehachapi Spring Road, are located approximately 12 miles from the Windhub Substation site. The hydrant sites are on the roadway shoulder and graveled, and therefore eligible for approval as a TEWS. Water trucks traveling to/from the Windhub Substation and hydrant sites travel on Tehachapi Springs Road and Oak Creek Road. Approval of the hydrant sites as TEWS is good for 60 days. Under this variance, approval of the hydrant sites is extended for the duration of grading at the Windhub Substation site.

- **Biological Resources**: The water storage pond was installed within the Windhub Substation site. This area had been previously surveyed and cleared of vegetation in preparation of grading activities prior to pond installation. To mitigate any potential wildlife impacts, a tortoise fence was installed around the substation site to ensure that no wildlife are attracted or impacted by this water feature. The two openings to the tortoise fencing correspond with the two ingress/egress locations for the substation site. These ingress/egress locations are gated and also manned with security guards who have been instructed to watch for desert tortoise. As previously noted, the hydrant sites are on the roadway shoulder and graveled, and water truck travel is restricted to Tehachapi Springs Road and Oak Creek Road.

  The special-status riparian birds focused survey for the water tank, CalPortland Cement Plant property, detected a willow flycatcher during the 1-day focused survey. Confirmation of the subspecies and nesting potential would require further surveys. As noted above, no further use of the water tanks is proposed and SCE is currently coordinating with the contractor on the schedule for removal of the water tanks.

  No significant impacts to biological resources are anticipated with the implementation of the conditions noted below.

- **Cultural & Paleontological Resources**: The water storage pond was installed within the Windhub Substation site. This area had been previously surveyed and cleared of vegetation in preparation of grading activities prior to pond installation. As previously noted, the hydrant sites are on the roadway shoulder and graveled, and water truck travel is restricted to Tehachapi Springs Road and Oak Creek Road. No significant impacts to cultural or paleontological resources are anticipated.

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

- The desert tortoise fencing shall be maintained at all times to prevent the entry of desert tortoise or other wildlife species within the Windhub Substation site. In addition, the ingress/egress locations shall be gated at all times unless a security guard is present.

- All crew personnel including water truck drivers and substation security guards shall be appropriately WEAP trained on environmental issues including protocols for air quality, hazardous materials, and biological resources, including desert tortoise and potential wildlife in the area. A log shall be maintained on-site with the names of all crew personnel trained.

- The water storage pond within the Windhub Substation site shall be removed upon the completion of grading activities.

- No further use of the water tanks is allowed unless the appropriate avian surveys are submitted to CDFG for review and approval. Prior to water tank removal on the CalPortland Cement Plant property, SCE shall submit the tank removal plans to CDFG for review and approval, and the approval shall be provided to the CPUC EM.

- Copies of all relevant permits, compliance plans, and this Variance shall be available on site for the duration of construction activities where applicable.

Sincerely,

John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen