

## PUBLIC UTILITIES COMMISSION

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May 7, 2012

Ms. Suzan Benz  
Environmental Project Manager  
Devers-Palo Verde No. 2 Transmission Project  
6 Point Drive, 1st Floor  
Brea, CA 92821-6320

RE: SCE Devers-Palo Verde No. 2 (DPV2) Transmission Line Project - Notice to Proceed (NTP #13)

Dear Ms. Benz:

On April 12, 2012, Southern California Edison (SCE) requested authorization from the California Public Utilities Commission (CPUC) for a construction of upgrades to and expansion of Devers Substation as part of the Devers-Palo Verde No. 2 Transmission Line Project to accommodate the new Red Bluff-Devers and Devers-Valley 500 kV transmission lines. The construction activities for under this NTP #13 will occur at and adjacent to the existing Devers Substation north of the City of Palm Springs.

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. The BLM issued NTPs for construction of the Red Bluff and Colorado River Substations and the overhead transmission line on its lands in September 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 Notice to Proceed (NTP) does not fall under Forest Service or BLM jurisdiction.

The Devers-Palo Verde No. 2 Transmission Project will be constructed in eight work packages, as defined on the CPUC's project website (<http://www.cpuc.ca.gov/Environment/info/aspen/dpv2/dpv2.htm>). It is anticipated that, even within the eight work packages, SCE will submit multiple separate requests for NTPs during the construction process. This is a typical process for transmission line projects. Given that the DPV2 Project has been approved by the CPUC and BLM, as described above, this segmented

construction review process allows SCE to proceed with individual project components where compliance with all applicable mitigation measures and conditions can be documented.

This letter documents the CPUC's thorough evaluation of all activities covered in this NTP, including the mitigation compliance table provided with the subject NTPR. The evaluation process ensures that all mitigation measures and Biological Opinion Conditions applicable to the location and activities covered in the NTP are implemented, as required in the CPUC's Decision and in BLM's Record of Decision (where applicable).

NTP #13 for the Devers Substation expansion and upgrades is granted by CPUC based on the factors described below.

## **SCE NTP Request**

The CPUC has carefully reviewed the NTP request (NTPR) submitted by SCE, and verified that it incorporates compliance with all applicable mitigation measures. Excerpts from the SCE NTPR dated April 12 2012 are presented as follows (indented).

This Notice to Proceed Request (NTPR) describes approved improvements associated with the Devers Substation Expansion Project (Project), located entirely within SCE-owned private property, subject to California Public Utilities Commission (CPUC) approval. The Devers Substation will be upgraded and expanded to accommodate the installation of the new Devers to Red Bluff No. 2 (D-RB2) and Devers to Valley No. 2 (D-V2) 500-kV transmission lines.

Upgrades within the existing Devers Substation fence line include the extension of the 500-kV operating buses approximately 180 feet east, the installation of two new 135-foot-high by 90-foot-wide dead-end structures, circuit breakers, and disconnect switches to terminate the new D-RB2 and D-V2 transmission lines. The terminating transmission towers or turning poles will be the tallest structures at the substation, ranging between 150 feet to 180 feet in height. The existing Devers-Palo Verde No.1 line will be modified to include breakers on the existing line reactors. This work will require the addition of foundations, conduit and equipment installation adjacent to the existing line reactors. In addition, the asphalt paved helipad currently located within the substation footprint and a portion of its interior asphalt roadway will be relocated slightly east, but still within the relocated substation fence line.

The relocation of the existing helipad and associated interior roadway is necessary to maintain adequate clearances following the installation of new equipment and structures required at the Devers Substation Expansion. Other existing facilities (e.g. firewater line, spare line reactor, perimeter security) will also be relocated and/or improved to accommodate the physical changes described.

These improvements will require an expansion of the existing substation pad outside of the current substation fence line, totaling approximately 3 acres of permanent and temporary disturbance areas. The Substation expansion will permanently disturb approximately 2.5 acres of undeveloped land adjacent to the east side of the existing Devers Substation fence line. This area is required to extend the existing 500-kV operating bus two positions to the east. As a result, grading, foundations, and drainage improvements will be required in the expansion area. The bus will be equipped with breakers, disconnects, and associated equipment and controls for the new D-RB2 and D-V2 lines. In addition, a portion of the interior paved road to the existing helipad site will be re-routed from the southwest corner of the expansion area to the northeast corner of the expansion area, to provide access to the relocated helipad site, also shown on Figure 1.

A telecom conduit will also be installed from existing transmission line tower M0-T1, located south of the expansion area, into an existing telecom ductbank within the substation, to accommodate the new optical ground wire required for the expansion, as shown in Figure 1. Within the Devers Substation, underground fiber optic cable will be installed from the Devers-RB2 tower structure to the Devers Substation 500kV MEER building.

In addition, the Devers 220 kV circuit breakers will be upgraded in the southern portion of the existing substation site footprint, as shown in Figure 1. This work will include replacing seven (7) existing circuit breakers within the 220kV switchrack area with new circuit breakers having higher short-circuit duty ratings and the installation of other miscellaneous equipment in the existing 220kV switchrack area to provide increased short-circuit duty ratings.

The work described above will be constructed as part of Southern California Edison's (SCE) Devers-Palo Verde No. 2 Transmission Line Project (DPV2). Figure 1 is a project location map and Appendix A references the applicable figures (contained within Project Site and Access Mapbook) that depict the improvements relative to the Devers Substation Expansion footprint.

This project element was evaluated in the DPV2 Final Environmental Impact Report and Final Environmental Impact Statement (Final EIR/EIS). Applicable Final EIR/EIS Applicant Proposed Measures (APMs), Mitigation Measures (MMs), California Department of Fish and Game Code Section 2080.1 Consistency Determination measures, and Federal Endangered Species Act Section 7 Biological Opinion Conservation Measures (BO) have been identified, and will be implemented or completed prior to commencement of the construction associated with this NTPR, as applicable.

The checklist tables attached to this NTPR summarize the applicable environmental requirements, such as APMs, MMs, and BO measures in Table 1 and the permits and documentation in Table 2. Monitoring and reporting on implementation of APMs, MMs, and BO measures will be conducted in accordance with the DPV2 Mitigation Monitoring, Compliance, and Reporting Program (MMCRP). Additionally, required pre-construction surveys for biological resources will be conducted prior to start of construction, as applicable...

### **3.1 Existing Substation Site Upgrades**

Major elements of the existing substation site upgrades and activities include:

- New dead-end structures
- New disconnect switches
- Helipad and associated internal road relocation
- Circuit breaker replacements and upgrades

### **3.2 New Substation Expansion Improvements**

The new substation expansion improvements are shown on Figure 1. Major elements and activities include:

- Relocated Helipad Access Road – approximately .5 acre
- Remaining Grading Area – approximately 2 acres
- Temporary Work Area Limits – approximately .5 acre

### **3.3 Site Work**

The table below identifies the primary construction activities associated with the substation improvements.

#### **EXPANSION CONSTRUCTION ACTIVITIES**

- Grading, fill, and compaction
- Installation of drainage infrastructure
- Application and compaction of road base
- Installation of pavement
- Below ground construction
- Above ground construction

### **3.3.1 Preconstruction Activities**

Delineation of the limits of disturbance, installation of SWPPP BMPs, and installation of screened temporary construction fencing. Double drive gates will be installed on the existing substation fence line for access into the expansion area from the two access routes shown in Figure 1. The existing security guard station will be relocated from the south gate entrance to the north gate entrance off Diablo, for ingress and egress to and from the northern access route, through the substation, to the expansion area. Existing facilities will be sawcut and demolished, in preparation for removal and reconfiguration into the expansion area. Construction equipment and materials will be stored within the existing Devers Substation, in designated storage areas.

### **3.3.2 Grading Activities**

Grading, foundations, and drainage improvements will be required in the expansion area. Approximately 44,000 CY of weed free fill will be imported to the site to meet the existing substation pad finish grade, in the expansion area. The haul route will be provided by the Contractor upon award.

Approximately .5 acres of temporary work areas, as shown in Figure 1, is required for equipment access to facilitate the construction of these activities in the expansion area. Water sources for dust control will be from the existing Devers Substation, nearby fire hydrants, or other approved water sources whose locations have not yet been identified. Water sources will be identified as part of the bid and award process.

### **3.3.3 Access Road Improvements**

A portion of the existing substation road, including the route to the existing helipad area, will be shifted to the east through the expansion area, to provide access to the new helipad area and other areas of the substation, as shown in Figure 1. Approximately 700 linear feet of 20 foot wide concrete finished roadway will be constructed through the expansion area to provide this relocated access.

Construction of the new access road will involve grading and compaction, road base placement and compaction, and application of pavement. These activities will likely occur sequentially. Temporary access to the expansion area will be provided from the interior paved road to the west of the expansion area leading to Diablo Road and from the existing dirt tower access road to the south leading to Powerline Road, as shown in Figure 1.

### **3.3.4 Above Ground Construction**

The existing 500-kV operating bus will be extended two positions to the east into the expansion area. One of the two new positions will be equipped with breakers, disconnects, and associated equipment for the new D-V2 transmission line. An existing position will be equipped with breakers, disconnects, and associated equipment for the new D-RB2 transmission line. Permanent chain link fencing will be installed to enclose the expansion area at finished grade.

## **4.0 ACTIVITY SCHEDULE**

The anticipated activity schedule for the Devers Substation construction activities is shown in the table below.

- Site grading (2 months): Start May 2012
- Access road improvements (1 month): July 2012
- Aboveground construction (2 months): August 2012

## **CPUC Evaluation of Pre-Construction Mitigation Implementation**

All applicable project mitigation measures, APMs, compliance plans, and permit conditions shall be implemented. Some measures have on-going/time-sensitive requirements and are required to be implemented prior to and during construction where applicable. For biological resources, those additional conditions are discussed and defined in this section. The Compliance Status Table in SCE's

NTPR provides pre-construction compliance information for the other issue areas addressed by the DPV2 EIR/EIS.

Following the discussion of biological, cultural, paleontological land use/sensitive receptors, geologic and water resources, a list of numbered conditions is presented to define additional information and clarifications regarding outstanding requirements. In some cases, these items exceed the requirements of the Mitigation Measures and Applicant Proposed Measures, and are based on specific site conditions. In these cases, the conditions will not also appear in the NTPR mitigation compliance table.

## **Biological Resources**

This section presents a background for biological resources that occur, or could occur within the area of the Devers Substation upgrades and expansion for the DPV2 Project. This summary of biological issues is based on information summarized in SCE's Notice to Proceed Request (April 2012) and a field verification study conducted by Aspen Environmental Group.

Construction activities associated with the DPV2 components included in this NTP would primarily occur within and adjacent to the existing Devers Substation north of the City of Palm Springs. According to SCE's NTPR, these activities would occur in, or adjacent to two vegetation communities/land cover types: creosote bush scrub and disturbed land. Approximately 0.22 acre of permanent impacts and 0.29 acre of temporary impacts would occur to creosote bush scrub (0.52 acre total), and approximately 0.01 acre of permanent and 0.01 acre of temporary impacts would occur to disturbed land (0.02 acre total).

The USFWS Biological Opinion (BO), which includes all activities associated with the components of this NTP, was issued on January 11, 2011 for the DPV2 Project. Subsequently, the CDFG issued a 2080.1 Consistency Determination for the DPV2 Project on April 27, 2011. In accordance with the USFWS BO, the CDFG Consistency Determination, mitigation measures presented in the DPV2 Final EIR/EIS, and APMs included as part of project development, a Qualified Biologist(s) shall conduct the appropriate pre-construction clearance surveys for special-status species prior to any ground disturbing activities and shall be present throughout the duration of all construction activities associated with the components of the NTP. Additionally, SCE shall implement all other applicable conditions of the USFWS BO, CDFG Consistency Determination, Final EIR/EIS mitigation measures, and APMs for biological resources that occur, or could occur, in all areas subject to disturbance.

**Special-status plants.** To date, SCE has indicated that one special-status plant species was found during focused rare plant surveys within the Devers Substation expansion area. Several California barrel cactus (*Ferocactus cylindraceus* var. *cylindraceus*) individuals were observed in the vicinity of the project during surveys. On December 20, 2011, one California barrel cactus that occurred within the disturbance area was removed from the site in accordance with the DPV2 Transplanting Plan (approved September 2011) and transplanted in a new location. Special-status plant species suitable or required for transplanting are described in the DPV2 Special-status Plant Impact Minimization and Avoidance Plan (approved November 2011).

In the event that additional special-status plant species are detected in the project area prior to and/or during construction activities, SCE shall implement the applicable Final EIR/EIS mitigation measures and APMs to minimize and/or avoid impacts to individual plants and populations. These include pre-construction surveys for special-status plants, biological monitoring during construction, and the implementation of transplanting or salvage methods as outlined in the applicable agency approved plans prepared for the DPV2 Project.

**Special-status wildlife.** No special-status wildlife species were detected within the project area during surveys. Although not identified during surveys, the Devers Substation expansion area supports modeled habitat for desert tortoise (*Gopherus agassizii*). Desert tortoise is listed as federally and State threatened. According to SCE's NTPR, construction activities associated with the Devers Substation expansion are expected to result in a total of 0.22 acre of permanent impacts and 0.30 acre of temporary impacts to desert tortoise (0.52 acre total).

In order to avoid and/or minimize impacts to special-status and other wildlife species occurring in the project area, SCE will implement broadly based Mitigation Measures provided in the Final EIR/EIS, such as pre-construction clearance surveys and biological monitoring, along with more specific Mitigation Measures for mammals, reptiles and nesting birds throughout the duration of all construction activities associated with this NTP.

**Jurisdictional drainages.** The SCE NTPR states that the Devers Substation expansion area contains United States Army Corps of Engineers (USACE), State Water Resources Control Board (SWRCB), and California Department of Fish and Game (CDFG) jurisdictional non-wetland waters. Impacts associated with construction of the components of this NTP are anticipated within jurisdictional feature types that include narrow ephemeral channels. SCE has indicated that impacts to jurisdictional non-wetland waters would total approximately 0.01 acre of permanent conversion and 0.01 acre of temporary disturbance from construction activities associated with this NTP. SCE shall obtain the appropriate agency permits prior to any construction activities that result in impacts to federal or State jurisdictional waters. Additionally, SCE shall implement all applicable Final EIR/EIS mitigation measures, conditions of the USFWS BO and CDFG Consistency Determination, and APMs to avoid and/or minimize impacts to these areas. Any areas that would meet the criteria for federal and/or State jurisdiction that are disturbed during construction activities shall be mapped and the disturbance acreages shall be reported to the USFWS, CDFG, and CPUC to include in final mitigation/compensation requirements.

**Vegetation management.** According to SCE's NTPR, construction activities associated with the Devers Substation upgrades and expansion are expected to result in a total of 0.22 acre and 0.30 acre of permanent and temporary impacts, respectively. In order to ensure that ground disturbance is limited to overall acreages provided in the NTPR, SCE shall clearly flag, stake, or mark all permanent and temporary impact boundaries prior to any ground-disturbing activities associated with the components of this NTP. All work shall be strictly limited to defined boundaries. Vegetation clearing in defined temporary disturbance areas shall only occur where necessary to allow for equipment access and storm water management. All material and equipment to be used in connection with activities covered under this NTP will be stored and maintained at CPUC approved construction yards or an existing utility storage yard. Storage at any other location would likely require a Variance or Temporary Extra Work Space (TEWS) request and CPUC approval. Similarly, any water supply locations not previously approved by CPUC, would require CPUC approval.

Additionally, 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). The restoration component of this plan is intended to target areas where onsite restoration is planned for temporary impacts to vegetation communities and jurisdictional waters whereas the compensation component relates to the purchasing and managing of offsite lands targeted for conservation in perpetuity. A formal acquisition proposal for compensatory mitigation lands has been developed by Wildlands, Inc. (Wildlands) on behalf of SCE to meet mitigation requirements for permanent impacts to native vegetation communities and jurisdictional waters. The regulatory agencies approved the plan for DPV2 in April 2012, and coordination between SCE, Wildlands, and the regulatory

agencies is ongoing for the Red Bluff Substation proposal. Because compensatory acquisition lands have been approved for DPV2 and the one special-status species (California barrel cactus) that had been detected in the Devers Substation expansion area has been relocated, SCE may commence construction activities associated with the components of this NTP prior to final agency approval of the revised Final Habitat Restoration and Compensation Plan.

A Noxious Weed Control Plan has been approved by the CPUC for the overall DPV2 Project. The purpose of this plan is to control the introduction and spread of non-native and invasive plant species in the project area or into adjacent undisturbed habitats during the project activity period. SCE shall implement all the conditions of this plan during project construction.

### **Cultural Resources**

Based on background research and a site visit, no known cultural resources were identified within the vicinity of the Devers Substation expansion Area. In the event that an unanticipated discovery of cultural materials is made within the Devers Substation expansion area, the find shall be managed in compliance with the following procedures provided in Section 4.4 - Plan of Discovery of Cultural Resources of the approved HPMP as itemized below:

- All work within 200 feet of the discovery will be halted and the onsite Archaeological Field Monitor will evaluate the discovery.
- The Environmental Monitor will notify the Lead Archaeological Monitor, Consultant Project Manager (CPM), Work Package Archaeologist(s) (WPA), or SCE Archaeologist (in that order) immediately.
- Activities within 200 feet of the discovery will not resume until the discovery has been assessed by a member of the Cultural Resources Team.

### **Paleontological Resources**

Based on the Paleontological Monitoring and Treatment Plan, submitted to the California Public Utilities Commission on April 20, 2011, the potential to encounter paleontological resources within the identified Devers Substation expansion area is low. Therefore, in accordance with the Plan, low sensitivity units must be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.

In the event that a paleontological resource discovery is made during site expansion, all construction activities in the area of the discovery must cease, and the Discovery of Fossils protocol, as specified in the Plan must be followed (1-Notification, 2-Avoidance and Continued Construction Activities, and 3-Determining Significance of a Discovered Paleontological Resource).

### **Land Use and Sensitive Receptors**

The construction activities for under this NTP will occur within and adjacent to the existing Devers Substation north of the City of Palm Springs. Generally commercial and industrial uses are located near the Devers Substation (i.e., wind farms).

According to the NTPR, in general, construction equipment operating hours for the work on the right-of-way associated with the installation of the transmission line are planned to be from approximately 7:00 a.m. to 6:00 p.m. Monday through Saturday in compliance with the applicable noise ordinance, or a variance from the ordinance restrictions will be requested. Construction may occasionally occur on Sundays as well. Construction activities will occur over approximately five months (May to October

2012) and were addressed in the DPV2 Final EIR/EIS. All residences will be notified of construction per the approved Construction Notification Plan as required in Mitigation Measure L-1a.

## **Conditions of NTP Approval**

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

1. All applicable project mitigation measures, APMs, compliance plans, and permit conditions shall be implemented. Some measures have on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable. Please see the table of pre-construction requirements in SCE's NTPR. Bulleted items can be found below which provide additional information and clarifications to outstanding requirements.
2. Copies of all relevant permits, compliance plans, and this Notice to Proceed shall be available on site for the duration of construction activities.
3. Verification of noticing mailings including address lists, postings and newspaper postings, as required under Mitigation Measures L-1a, L-1e, WR-1a, and WR-1b shall be submitted to the CPUC prior to construction.
4. All crew members shall be trained through a Worker Environmental Awareness Program (WEAP) prior to working on the project. A log shall be maintained onsite with the names of all crew personnel trained. For any crew members with limited English, a translator shall be onsite to ensure understanding of the training program. In place of a translator, the WEAP 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.
5. Prior to the initiation of any ground-disturbing activities, all work area boundaries associated with temporary and permanent disturbance shall be clearly staked, flagged, or marked. All workers shall strictly limit access and vehicles to the designated work limits. Removal of any perennial, native vegetation in work areas shall be avoided to the maximum extent practicable. Access to work areas in undisturbed habitat shall be achieved by crushing, instead of removal, to the maximum extent practicable.
6. SCE shall implement all conditions of the Final Noxious Weed Control Plan which specifies the locations of existing weed populations and provides appropriate measures to control the introduction and spread of noxious weeds into the Project area, worker training, specifications, and inspection procedures for construction materials and equipment used in the Project area.
7. Prior to entering the work area for the first time, all ground-disturbing equipment shall be thoroughly cleaned at an approved wash station, or other location with CPUC approval.
8. All seeds, straw wattles, gravel and fill material used during construction shall be certified weed free by the local County Agricultural Commissioner's Office.
9. In the event that additional special-status plant species are detected in the project area prior to and/or during construction activities, SCE shall implement the applicable Final EIR/EIS mitigation measures and APMs to minimize and/or avoid impacts to individual plants and populations. These include pre-construction surveys for special-status plants, biological monitoring during construction, and the implementation of transplanting or salvage methods as outlined in the applicable agency approved plans prepared for the DPV2 Project.
10. SCE shall conduct pre-construction surveys for sensitive wildlife in accordance with specific conditions provided in Final EIS/EIR Mitigation Measures and conditions of the USFWS BO. The

location of sensitive species identified during the pre-construction surveys shall be provided to the BLM and CPUC on updated project maps.

11. SCE shall conduct pre-construction surveys for special-status reptiles within 48 hours prior to initiation of construction activities. If special-status reptiles are identified in the project area during construction, all activities adjacent to the identified location shall be halted and the animal will be allowed to move away from the construction site. If the individual is not moving, a qualified biologist will relocate it to nearby suitable habitat (in the shade of a shrub) outside of the construction area.
12. Pre-construction surveys for breeding birds shall be conducted within 500 feet of disturbance limits by a CPUC-approved biologist at least fourteen (14) days prior to construction during the appropriate season. If federally or State listed birds with active nests are identified, a qualified biological monitor shall establish a 500-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. A 300-foot buffer shall be implemented in the event that raptors or other species protected under the Migratory Bird Treaty Act (MBTA) are located. The biological monitor shall conduct regular monitoring of any identified nest to determine success/failure and to ensure that construction activities do not occur within established buffers until the nesting cycle is complete or the nest fails. There may be a reduction of these buffer zones depending on site-specific conditions or the existing ambient level of activity. SCE shall coordinate with CDFG and USFWS to determine the appropriate buffer zone.
13. Pre-construction desert tortoise clearance surveys shall be conducted by a CPUC, CDFG, and USFWS approved Authorized Biologist immediately prior to construction activities within a 100 percent coverage area of all desert tortoise habitat (modeled, critical, and/or occupied) that be subject to project disturbance. Surveys, tortoise handling protocols, burrow excavations, and relocation procedures shall follow conditions specified in the Final EIR/EIS Mitigation Measures and conditions of the USFWS BO.
14. The Authorized Biologist shall be present during all construction activities in tortoise habitat (modeled, critical habitat, and/or occupied habitat) during the tortoise's more active season (April thru May and September thru October).
15. As part of the Project WEAP training defined under Condition #4 above, a qualified tortoise biologist shall present a class or briefing to construction workers that addresses, at a minimum, desert tortoise sensitivity to human disturbance, daily and seasonal activity patterns, and proper handling protocols.
16. Prior to any ground-disturbing activities within modeled/critical/occupied habitat for desert tortoise and/or CVFTL, SCE shall provide documentation that ensures funding to complete required mitigation, including acquisition of lands, monitoring, and reporting activities for impacts to CVMV, desert tortoise, CVFTL, and/or FTHL habitat. SCE shall provide to the CPUC, CDFG, USFWS, and BLM no later than thirty (30) days prior to commencing ground-disturbing activities at applicable tower locations, an irrevocable letter of credit or other form of security approved by CDFG's Office of the General Counsel.
17. SCE shall conduct biological monitoring in all areas of disturbance during construction activities, including access roads. The biological monitor shall look for special-status wildlife that may be located within or immediately adjacent to construction areas. If special-status species are found, the biological monitor shall avoid or relocate in accordance to the appropriate Final EIR/EIS Mitigation Measures, APMs, and conditions of the USFWS BO.

18. SCE shall implement the conditions of the approved Final HCRP to compensate for temporary disturbance to native vegetation communities.
19. SCE shall install all overhead components utilizing the most current APLIC standards for collision-reducing techniques.
20. No activities, whatsoever, shall be permitted within areas designated as federal wetlands.
21. All federal and State jurisdictional waters shall be avoided to the maximum extent feasible. In the event that jurisdictional waters cannot be avoided by project activities, SCE shall obtain the appropriate USACE, CDFG, and State Water Quality Control Board permits. Documentation of these permits must be provided to the CPUC prior to conducting any activities in these areas which may result in permanent or temporary impacts.
22. Project speed limits shall be posted and strictly adhered to in compliance with Mitigation Measures and APMs provided in the Final EIR/EIS and conditions of the USFWS BO.
23. During construction, parked vehicles will be inspected prior to being moved. If a tortoise is found beneath a vehicle, the Authorized Biologist will be contacted to move the animal out of harm's way, or the vehicle will not be moved until the tortoise leaves on its own accord. The Authorized Biologist will be responsible for taking appropriate measures to ensure that any tortoises moved in this manner is not exposed to temperature extremes which could be harmful to the animal.
24. All auger holes, trenches, pits, or other steep-sided excavations that pose a hazard to wildlife will be securely fenced or covered when unattended to prevent accidental death or injury. At the start and end of each workday, and just before backfilling, all excavations will be inspected for trapped animals. If found, trapped animals will be removed by the Authorized or Qualified Biologist.
25. Project personnel will not be allowed to bring pets into any work areas.
26. Road-killed animals or other carcasses detected within the Project area will be picked up and disposed of immediately (e.g. removal to a landfill or disposal at SCE facility). For any special-status species road-kill, the Qualified Biologist or FCR will contact CDFG and USFWS within 1 working day of receipt of the carcass for guidance on disposal or storage.
27. A trash collection system will be established to ensure that all food and other trash that could attract desert tortoise predators is properly disposed of in self-closing, sealable containers with lids that latch to prevent wind, common ravens, and mammals from opening containers. All trash containers will be regularly inspected and emptied to prevent spillage and maintain sanitary conditions, and removed from the Project footprint when construction activities are complete.
28. Immediately after completion of construction activities, the FCR or designated representative will record the perimeter of the post-construction project footprint, including all tower pads, spur roads, pulling and splicing stations and access routes, and other project-related infrastructure in a GIS-compatible format to verify the extent of project disturbance. The GIS coverage layer will be provided to the BLM, Service, and CDFG within 90 days of completing construction; the coverage will be compared to impact acreages estimated in this biological/conference opinion to determine final ground-disturbance associated with project construction.
29. Construction site dewatering management in accordance with Mitigation Measure H-5a shall be implemented during construction to ensure that any groundwater resources which are unexpectedly encountered would be managed through implementation of appropriate BMPs for dewatering activities.

30. In addition to APM W-1, which requires “potential erosion sites” to be inspected after each major rainstorm during the first year following construction, for the lifetime of the project maintenance personnel shall watch for and repair any areas where infrastructure is located within FEMA-designated Flood Hazard Areas and active erosion is observed near tower foundations.
31. In the event that an unanticipated discovery of cultural materials is made during construction of the Devers Substation upgrades and expansion, the find shall be managed in compliance with the following procedures provided in Section 4.4 - Plan of Discovery of Cultural Resources of the approved HPMP as itemized below:
  - All work within 200 feet of the discovery shall be halted and the onsite Archaeological Field Monitor shall evaluate the discovery.
  - The Environmental Monitor shall notify the Lead Archaeological Monitor, Consultant Project Manager (CPM), Work Package Archaeologist(s) (WPA), or SCE Archaeologist (in that order) immediately.
  - Activities within 200 feet of the discovery shall not resume until the discovery has been assessed by a member of the Cultural Resources Team.
32. In accordance with the Paleontological Monitoring and Treatment Plan, low sensitivity units shall be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.
33. In the event that a paleontological resource discovery is made during site expansion, all construction activities in the area of the discovery shall cease, and the Discovery of Fossils protocol, as specified in the Plan shall be followed (1-Notification, 2-Avoidance and Continued Construction Activities, and 3-Determining Significance of a Discovered Paleontological Resource).
34. The CPUC Environmental Monitor (EM) shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
35. If the application of water is needed to abate dust in construction areas and on dirt roads, SCE shall use the least amount needed to meet safety and air quality standards and prevent the formation of puddles, which could attract wildlife to construction sites.
36. SCE shall obtain required haul and ingress/egress and permits for any temporary lane closures from the County of Riverside or other jurisdictions as necessary. Copies of permits shall be submitted to the CPUC. If temporary lane closures are needed, SCE shall coordinate in advance with emergency service providers and shall provide documentation to the CPUC.
37. In regard to the Hazardous Substance Control and Emergency Response Plan, to fully satisfy the intent of Mitigation Measure P-1b, documentation of training for personnel who would be working near or handling hazardous materials shall be submitted to the CPUC for review after completion of these training activities. Only trained personnel shall be allowed to work near or to handle hazardous materials.
38. In accordance with Mitigation Measure P-1a, prior to project construction, documents prepared by the construction contractors should be submitted to the CPUC along with an acknowledgment that the SCE Certified Industrial Hygienist has reviewed and approved the documents to complete the submittals required for these measures. Documents that the construction contractor would be responsible for would include a hazardous materials inventory that will be used to prepare and/or modify the Hazardous Material Business Plan, documents providing SCE with the names and

telephone numbers of persons responsible for the hazardous waste management, an Emergency Response Procedures document that follows SCE's emergency response procedures for the Project.

39. No movement or staging of construction vehicles or equipment shall be allowed outside of the approved areas. If additional temporary workspace areas or access routes, or changes in technique and mitigation implementation to a lesser level are required, a Variance Request, as defined in the Mitigation Monitoring, Compliance and Reporting Plan for this project shall be submitted for CPUC review.

40. No clearing or disturbance to vegetation shall occur outside of approved work areas.

41. If construction debris or spills enter into environmentally sensitive areas, appropriate jurisdictional agencies and the CPUC EM shall be notified immediately.

Please contact me if you have any questions or concerns.

Sincerely,

*Billie Blanchard*

Billie Blanchard  
CPUC Environmental Project Manager  
Devers-Palo Verde No. 2 Transmission Project

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