

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



January 4, 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 Transmission Line Project – Variance Request #16

Dear Ms. Benz,

On December 28, 2011, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for authorization of construction activities that must occur outside of normal construction days and hours identified in Mitigation Measure N-1a for 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 DPV2 Project on July 19, 2011. Subsequently, the BLM issued a Record of Decision approving the Red Bluff Substation as part of the Desert Sunlight Solar Farm Project on August 10, 2011. BLM approved exclusionary fencing activities on August 23, 2011 and issued Notices to Proceed for the Red Bluff Substation and overhead transmission line construction on BLM lands on September 19, 2011. The DPV2 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 temporary changes to the project 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,

and that no new impacts or increase in impact severity would result from the requested variance activities.

Variance #16, which approves alternative/extended work hours, is granted by CPUC based on the factors described below.

**SCE Variance Request.** SCE has requested a variance for alternative/extended work hours for the entire DPV2 project. Excerpts from the SCE Variance Request, received December 28, 2011, are presented below (indented):

#### **REASON FOR VARIANCE**

In accordance with Mitigation Measure (MM) N-1a, SCE is requesting authorization of this variance to cover all DPV2 Project construction activities that must occur outside of the normal Project construction days and hours identified in MM N-1a (Monday-Friday from 7:00am-6:00pm). Specific Project locations may require that the alternative schedule is established as 24 hours per day, 7 days per week (24/7) construction. The additional construction hours are required to 1) accommodate work activities that are required to be done during outside of normal daytime work hours (e.g. vehicle or equipment fueling, maintenance and repair), 2) improve overall project efficiency and reduce congestion in very active work areas (e.g. material deliveries), 3) support critical path work activities (e.g. outages), 4) improve health and safety conditions for construction personnel, (e.g. during extreme heat and wind conditions), 5) and to meet the current construction schedule.

#### **ACTION REQUESTED**

Mitigation Measure MM N-1a states:

*MM N-1a: Implement best management practices for construction noise. SCE shall employ the following noise-suppression techniques to minimize the impact of temporary construction noise and avoid possible violations of local rules, standards, and ordinances:*

- *Construction noise shall be confined to daytime, weekday hours (e.g., 7:00 a.m. to 6:00 p.m.) or an alternative schedule established by the local jurisdiction;*
- *Construction equipment shall use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer;*
- *Construction traffic shall be routed away from residences and schools, where feasible;*
- *Unnecessary construction vehicle use and idling time shall be minimized to the extent feasible. The ability to limit construction vehicle idling time is dependent upon the sequence of construction activities and when and where vehicles are needed or staged. A "common sense" approach to vehicle use shall be applied; if a vehicle is not required for use immediately or continuously for construction activities, its engine should be shut off. (Note: certain equipment, such as large diesel-powered vehicles, require extended idling for warmup and repetitive construction tasks.)*

SCE and its contractors propose to continue coordination with the local jurisdictions to apply for and obtain the appropriate approvals/variances for work that must occur outside of normal Project construction days and hours identified in MM N-1a (Monday-Friday from 7:00am-6:00pm), as required. SCE will then provide those approvals/variances to the CPUC for documentation.

In accordance with this request, SCE will implement the following protocol:

1. SCE's contractor will identify locations or instances where they may (need to) perform construction activities outside of Monday-Friday 7:00am-6:00pm as identified in MM N-1a.
2. SCE will conduct an internal review for environmental sensitivity and nighttime work restrictions or additional monitoring requirements.
3. SCE and/or its contractor will coordinate and, if necessary, obtain a variance to perform construction activities outside of Monday-Friday 7:00am-6:00pm from the appropriate local jurisdiction.
4. Variances and/or coordination documentation obtained from the local jurisdiction shall be submitted to the CPUC for their administrative record under this variance prior to commencing work outside of normal Project work hours.

#### **Biological Resources**

1. No nighttime construction or vehicular travel will take place in SKR habitat.
2. To avoid a potential increase in impacts to desert tortoise, in tortoise habitat during the tortoise active season, any nighttime construction will be limited to the work site. All vehicular travel to and from work sites will occur during daylight hours to minimize potential impacts to wildlife. If vehicular travel is required at night in desert tortoise habitat during the active season, it

- will only take place after the authorization of the biologist, and the vehicle will be escorted by a biologist on an ATV equipped with high intensity lighting directed toward the road in front of the vehicle.
3. To avoid a potential increase in impacts to Coachella Valley fringe-toed lizard and flat-tailed horned lizard, in their habitat during the active season, any nighttime construction will be limited to the work site. All vehicular travel to and from work sites will occur during daylight hours to minimize potential impacts to wildlife. If vehicular travel is required at night in CVFTL and FTL habitat during the active season, it will only take place after the authorization of the biologist, and the vehicle will be escorted by a biologist on an ATV equipped with high intensity lighting directed toward the road in front of the vehicle.
  4. Other biological constraints to nighttime work may arise and these limitations will take precedence over the need to work during the night. These constraints may include but are not limited to nesting bird issues, bat interactions, and interaction with other nocturnal wildlife.
  5. All night lighting will be directed toward the work area. Screening and light shields will be used to prevent fugitive light from entering adjacent habitat.

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

In accordance with the MMCRP, the subject variance request was reviewed by CPUC to confirm 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, noise/sensitive receptors, visual resources, and other issue areas. A list of conditions is presented below to define additional information and clarifications regarding mitigation requirements. In some cases, these items exceed the requirements of the Mitigation Measures and Applicant Proposed Measures, and are based on specific site conditions and/or are proposed conditions by SCE.

**Biological Resources.** Vehicular traffic at night has the potential to kill or injure nocturnal wildlife. SCE's variance request states that no nighttime vehicle travel will occur in Stephen's kangaroo rat or desert tortoise habitat. If nighttime travel is necessary in Coachella Valley fringe-toed lizard and flat-tailed horned lizard habitat in the active season, the vehicle will be escorted by a biologist on an ATV equipped with high intensity lighting directed toward the road in front of the vehicle.

Any afterhours work which would require the installation of nighttime lighting that has the potential to impact habitat areas, shall be reviewed and approved by the CDFG and USFWS prior to installation of the lighting.

All mitigation measures, APMs, and conditions of the Biological Opinion (BO) shall be implemented at the nighttime work locations. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist, pre-construction clearance sweeps prior to any use of access roads, and maintaining speed limits.

**Noise/Sensitive Receptors.** Mitigation Measure N-1a allows construction activities to occur in accordance with the requirements of each local ordinance. In areas where there are sensitive noise receptors or dwellings within ¼ mile of the site, variances and/or coordination documentation obtained from the local jurisdiction (e.g., Riverside County) shall be submitted to the CPUC prior to commencing work outside of currently allowed project work hours.

All complaints received by SCE in regard to activities that must occur outside of the days and/or hours as currently allowed by Mitigation Measure N-1a shall be logged and reported immediately to the CPUC and the local jurisdiction.

**Visual Resources.** SCE's variance request states that all night lighting will be directed toward the work area. Screening and light shields will be used to prevent fugitive light from entering adjacent habitat. Much of the project area has few nearby sensitive receptors; however, as discussed under Noise/Sensitive Receptors above, all complaints received by SCE in regard to activities that must occur

outside of the days and/or hours as currently allowed by Mitigation Measure N-1a shall be logged and reported immediately to the CPUC and the local jurisdiction.

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

### **Conditions of Variance Approval**

The 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. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist, pre-construction clearance sweeps prior to any use of access roads, and maintaining speed limits.
2. Copies of all relevant permits, compliance plans, and this Variance approval shall be available on site for the duration of construction activities.
3. Variances and/or coordination documentation obtained from the local jurisdiction shall be submitted to the CPUC for their administrative record prior to commencing work outside of project work hours allowed under Mitigation Measure N-1a (local ordinances).
4. All complaints received by SCE in regard to activities that must occur outside of the days and/or hours as currently allowed by local ordinance shall be logged and reported immediately to the CPUC and the local jurisdiction.
5. Any afterhours work which would require the installation of nighttime lighting which has the potential to impact habitat areas, shall be reviewed and approved by the CDFG and USFWS prior to installation of the lighting with documentation supplied to the CPUC.
6. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
7. 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  
CPUC Environmental Project Manager  
DPV2 Transmission Project

cc: Ryana Parker, Southern California Edison  
Sheree James, Southern California Edison  
Allison Shaffer, BLM Palm Springs-South Coast Field Office  
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