

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



January 17, 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 #19

Dear Ms. Benz,

On January 6, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for use of a replacement helicopter landing zone (HLZ H9-DV) to assist with helicopter construction of 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 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 #19, which approves HLZ H9-DV, is granted by CPUC for the proposed activities based on the factors described below.

**SCE Variance Request.** SCE has requested a variance for the transmission line activities identified in Notice to Proceed #10 for HLZs along the Devers-Valley segment. Excerpts from the SCE Variance Request, received January 6, 2012, are presented below (indented):

The Notice to Proceed Request (NTPR) for Devers-Valley No. 2 Transmission Line (DV2) identified proposed helicopter landing zones (HLZs). At the time the NTPR was prepared, the parcel HLZ H8-DV was under lease negotiations. Subsequent to approval of the NTPR by the California Public Utilities Commission (CPUC), it was determined that the lease could not be obtained. As a substitute, Southern California Edison (SCE) proposes to utilize HLZ H9-DV to assist with helicopter construction of DV2.

SCE requests a modification to allow the usage of H9-DV as a replacement for H8-DV. The proposed H9-DV is approximately 2.75 acres within the city of Moreno Valley, California. The site is located on Central Avenue, approximately 0.7 miles southeast of the junction of Gilman Springs Road and Bridge Street, in the Lakeview United States Geological Survey (USGS) 7.5 minute quadrangle (quad).

## 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, cultural resources, paleontological resources, noise/sensitive receptors, agricultural 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.** HLZ H9-DV is currently under agricultural cultivation and had been recently tilled at the time of SCE's field survey (Garcia & Associates, 2011). Most of the immediate surrounding area is also disturbed / developed land. Based on review of the biological report and field verification, there are no biological resources concerns associated with approval of this variance. All mitigation measures, APMs, and conditions of the Biological Opinion (BO) should be implemented at HLZ H9-DV, as applicable.

**Cultural Resources.** Based on background research, no known cultural resources were identified within the vicinity of HLZ H9-DV. In the event of an unanticipated discovery of cultural materials within HLZ H9-DV, 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 near the proposed helicopter landing zone HLZ H9-DV is low. In addition, ground disturbing activities associated with HLZ H9-DV will not disturb sediment below 2-3 feet so damage paleontological resources is not likely.

**Noise/Sensitive Receptors.** Replacement HLZ H9–DV is approximately 2.75 acres within the City of Moreno Valley and is currently under agricultural cultivation. Continuous flat, tilled agricultural fields extend out from the site over a mile or more to the east, south, and west of the site. The closest non-agricultural land is Gilman Springs Road approximately 0.7 miles to the northeast. Use of the replacement HLZ H9-DV would have similar noise-generating activities to those that would have occurred at HLZ H8-DV. Construction activities, including noise associated with helicopter usage, was addressed in the DPV2 Final EIR/EIS and there are no concerns noted under this variance.

**Agricultural Resources.** HLZ H9–DV is located on land currently under agricultural cultivation. Under Mitigation Measure AG-1a (Establish agreement and coordinate construction activities with agricultural landowners) in the DPV2 Final EIR/EIS, SCE will coordinate operations with agricultural owners within the context of existing agreements and/or new agreements in order to minimize construction impacts. SCE is required to submit these agreements (or non-confidential portions thereof) to the CPUC and BLM so monitors can verify their existence. Coordination with the agricultural owner to minimize damage to operations could result in avoiding construction/use of HLZ H9-DV during peak planting, growing, and harvest seasons. Mitigation Measure AG-1a will also ensure that any areas damaged or disturbed by construction are restored to a condition mutually agreed upon by the landowner and SCE. The measure further states that restoration could include activities, such as soil preparation, regrading, and reseeded. With implementation of Mitigation Measure AG-1a and other measures in the Final EIR/EIS, there are no concerns about the temporary loss of agricultural lands for construction and use of HLZ H9-DV.

**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.
2. Copies of all relevant permits, compliance plans, and this Variance approval shall be available on site for the duration of construction activities.
3. In the event of an unanticipated discovery of cultural materials within HLZ H9-DV, 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.
4. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.

5. 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  
Patty Nevins, Southern California Edison  
Vida Strong, Aspen Environmental Group  
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