

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 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 #28

Dear Ms. Benz,

On March 22, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for use of the existing Gasline Road for access to tower sites 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 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 #28 for use of the existing Gasline Road for access to tower sites is granted by CPUC for the proposed activities based on the factors described below.

SCE Variance Request. Due to final engineering, SCE has requested a variance for use of Gasline Road for access to tower sites west of Red Bluff Substation. Excerpts from the SCE Variance Request, received March 22, 2012, are presented below (indented):

Subsequent to approval of the Devers to Red Bluff Transmission Line NTPR (NTP #9 dated December 2, 2011) by the California Public Utilities Commission (CPUC), an additional access route, Gasline Road, was identified as being needed to access several towers. The main access road to the majority of the DPV2 tower sites is shared with the existing DPV1 access road, as identified in the NTP. However, certain tower sites west of the Red Bluff Substation cannot be reached via the main access road and require an alternate access route. The segments of Gasline Road to be used would include approximately 7.3 miles between Desert Center Road and (north-south) Gasline Road, generally between towers 2515-2451; and approximately 3.7 miles between Hayfield Road and Chiriaco Summit, generally between towers 2425 and 2411. The areas needed for construction are identified in red in the attached map and are both within private and BLM land. Gasline Road is also an existing public utility road.

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, and other issue areas. A list of mitigation compliance conditions is presented below to define additional information and clarifications regarding mitigation requirements.

Biological Resources. Based on field validation, the CPUC concurs with SCE's statement that use of the existing, previously disturbed, and regularly-used Gasline Road would have no direct effect on the biological resources in the area. However, pre-construction surveys will be required as applicable under the mitigation measures prior to use of the road for any construction activities. There are no other biological resources concerns with this variance.

All mitigation measures, APMs, and conditions of the Biological Opinion (BO) should be implemented at the sites. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist, pre-construction clearance sweeps, and maintaining speed limits. There are no other biological resources concerns noted under this variance.

Cultural Resources. Based on background research and a site visit, there are no cultural resources within the identified Gasline Road proposed for alternative access. In addition, no improvements to the existing access road are required and all vehicles will remain on existing roads.

In the event of an unanticipated discovery of cultural materials within the existing public utility road proposed for alternative access, 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 Gasline Road is low. In addition, no ground disturbing activities will take place within the existing public utility road (Gasline Road). There are no concerns under this variance.

Noise/Sensitive Receptors. Gasline Road is an existing public utility road located on public (BLM) and private land. Use of the road would have similar noise-generating activities to those that will occur along the other project access roads in the area and would not change the level of noise. 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. Pre-construction surveys shall be required as applicable under the mitigation measures prior to use of the road for any construction activities.
4. This variance approval shall include only Gasline Road as illustrated on the variance request maps. No other alternative routes other than that depicted in the map are authorized under this approval.
5. In the event of an unanticipated discovery of cultural materials within the existing public utility road proposed for alternative access, 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.
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,

DPV2 Project

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Billie Blanchard

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CPUC Environmental Project Manager

DPV2 Transmission Project

cc: Ryana Parker, Southern California Edison
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