

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 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 #36

Dear Ms. Benz,

On May 17, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for use of three water stand-tanks for transmission line construction needs along 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 #36, which approves the use of the three subject water stand-tanks, is granted by CPUC for the proposed activities based on the factors described below.

SCE Variance Request. SCE has requested a variance under NTPs #7, #8, #9 and #10 for a water tanks along the Colorado River-Devers segment. Excerpts from the SCE Variance Request, received May 17, 2012, are presented below (indented):

The following information provides a necessary water source for dust mitigation on the Devers-Palo Verde 500 kV No. 2 Transmission Line Project (DPV2) identified in NTPs #7, 8, 9 and 10, dated December 1 and December 2, 2011.

Stand-Tank Locations

| # | Site Location | City | Latitude | Longitude | Ownership |
|---|-----------------------|------------|-----------|------------|-----------|
| 1 | 46001-46143 Porter St | Banning | N33.91110 | W116.85120 | Private |
| 2 | Dillon Rd | Coachella | N33.74073 | W116.16381 | Private |
| 3 | Pinto Rd/Summit Rd | Chuckwalla | N33.65884 | W115.72269 | Private |

Potential activities to occur on stand-tank sites include:

- Parking and storage of a 10,000 gallon stand-tank (9ft wide by 35ft long)
- Driving of water trucks, as long as 60 feet to fill stand-tanks
- Parking of additional support vehicles and equipment during project hours

CPUC Evaluation of Variance Request

In accordance with the MMRP, 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, water resources, and other issue areas. A list of conditions is presented below to define additional information and clarifications regarding mitigation requirements.

Biological Resources. The Dillon Road water tank is located in the vicinity of Tower #2422, which is a site where Coachella Valley fringe-toed lizard (CVFTL) exclusionary fencing has been installed per the conditions of the USFWS Biological Opinion (BO). CVFTL is listed as federally threatened and State endangered, and is covered under the USFWS BO and the CDFG Consistency Determination. Condition #27 of the BO states, “[t]o the extent possible, all construction activities within modeled/blow sand habitat will be conducted during the active season, between April and October (inclusive of both months). Construction activities in modeled/blow sand habitat may be extended beyond the active season if exclusionary fencing is installed during the active season.” Any use of the Dillon Road water tank location that would extend beyond October will require the installation of exclusionary fencing, which will need to be installed during the active season. Therefore, SCE should either remove the water stand tank prior to October 31st or SCE will need to install the required fencing prior to October 31st.

Based on field review, the area around the Porter Street water tank location is very flat and open, which could result in potential off-road impacts during use. Therefore, SCE should stake and flag the area planned for construction activities to prevent any off-road travel and associated potential biological resources impacts.

There are no additional biological resources concerns at the Pinto Road/Summit Road water tank location.

All mitigation measures, APMs, and conditions of the Biological Opinion should be implemented along the water tank haul routes. 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.

Cultural Resources. Based on background research and a site visit, there is no potential to encounter cultural resources at the three proposed stand-tank locations. In addition, the proposed stand-tanks are located within formerly disturbed areas, are adjacent to existing roads, and will be accessed via truck. All trucks will remain on existing roads. Therefore, there are no specific cultural resources conditions applicable to this variance.

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 three proposed stand tank areas is low. In addition, minimal ground disturbing activities will take place within the identified areas. Therefore, there are no specific paleontological resources conditions applicable to this variance.

Noise/Sensitive Receptors. The Dillon Road and Pinto Road/Summit Road stand-tank areas are located in rural areas with no sensitive receptors nearby. There are potential sensitive receptors located approximately 200 feet southwest of the Porter Street water tank location, which is adjacent to an existing hydrant. Use of the water tanks would have similar noise-generating activities to those that will occur for use at the construction yards and transmission line work areas. Appropriate noise and land use mitigation measures would apply. For instance, unnecessary idling time would be minimized in the parking area with implementation of Mitigation Measure N-1a (Implement best management practices for construction noise) and AQ-1c (Restrict engine idling). Use of the three stand-tanks as a result of the variance would not change the overall scope and duration of construction activities.

Water Resources. Under this variance, SCE would fill the stand-tanks utilizing already-approved existing fire hydrants with a metering device and overall water usage would not change. Water would be stored in the stand-tanks for use for dust suppression so no additional groundwater would be utilized. Therefore, there are no specific water resources conditions applicable to this 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. If the water stand tank off Dillon Road is not removed prior to the Coachella Valley fringe-toed lizard (CVFTL) inactive season, then SCE shall install CVFTL exclusionary fencing prior to October 31st, as required in the USFWS Biological Opinion.
4. At the Porter Street water tank location, SCE shall stake and flag the area planned for use to prevent off-road travel.
5. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
6. 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

Billie Blanchard
CPUC Environmental Project Manager
DPV2 Transmission Project

cc: Ryana Parker, Southern California Edison
Patty Nevins, Southern California Edison
Sylvia Granados, Southern California Edison
Vida Strong, Aspen Environmental Group
Hedy Koczvara, Aspen Environmental Group
Jamison Miner, Aspen Environmental Group
Ryann Loomis, Aspen Environmental Group
Rosina Goodman, Aspen Environmental Group