

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 28, 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 #37

Dear Ms. Benz,

On June 20, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for modification to the location of Tower 1013 and associated temporary disturbance area of the Devers-Valley segment (Notice to Proceed #10) 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 #37, which approves the boundary modifications to Tower 1013 and temporary disturbance area, 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 Tower 1013 along the Devers-Valley segment. Excerpts from the SCE Variance Request, received June 20, 2012, are presented below (indented):

Subsequent to approval of the Devers to Valley Transmission Line (Excluding the San Bernardino National Forest Portion) NTPR (NTP #10 dated December 2, 2011) by the CPUC, final design was completed and a modification to the tower and disturbance area for tower 1013 is required. Figure 1 (attached [to SCE's NTPR]) shows the proposed modification to tower 1013. Note that the new proposed spur road for tower 1013 is temporary for construction use only and will be restored after construction.

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. The proposed modifications fall within the areas previously surveyed under NTP #10 and characterized as disturbed land and creosote bush scrub. According to SCE's NTPR and biological review (June 2012), the proposed changes to Tower 1013 will result in a 0.11 acre increase in temporary impacts to creosote bush scrub and a 0.05 acre increase in temporary impacts to disturbed land. The modifications will result in a 0.10 acre reduction of permanent impacts to creosote bush scrub and a 0.04 acre reduction of permanent impacts to disturbed land. In addition, the modifications under this Variance will include a 0.16 acre increase in temporary impacts to modeled desert tortoise habitat and a 0.13 acre reduction of permanent impacts to modeled desert tortoise habitat.

These impacts have been incorporated into the compensatory mitigation acreages addressed in SCE's Habitat Acquisition Proposal developed by Wildlands, Inc. and approved by the regulatory agencies in April 2012. 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).

Based on review of the biological report and field verification, there are no biological resources concerns associated with approval of this variance. SCE should ensure that disturbance area staking installed prior to approval of this Variance and that has been revised is removed and the new disturbance areas are clearly delineated, marked and validated by the CPUC EM prior to any ground disturbance associated with the modified disturbance areas. Additionally, pre-construction surveys should be conducted, as applicable. All mitigation measures, APMs, and conditions of the Biological Opinion (BO) should be implemented within the proposed tower modification and disturbance area for Tower 1013, as applicable.

Cultural Resources. Based on background research and a site visit, there are no cultural resources within the proposed tower modification and disturbance area for Tower 1013. In the event of an unanticipated discovery of cultural materials within the tower modification and disturbance area for Tower 1013, 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 CPUC on April 20, 2011, the potential to encounter paleontological resources within the proposed tower modification and disturbance area for Tower 1013 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.

Noise/Sensitive Receptors. The tower modification and disturbance area for Tower 1013 would have similar noise-generating activities to those that would have occurred within the original boundary and there are no sensitive receptors in the vicinity of the tower site. Noise associated with construction activities was addressed in the DPV2 Final EIR/EIS and there are no concerns noted under 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. Disturbance area staking installed prior to approval of this Variance and that has been revised shall be removed prior to any ground disturbance associated with the modified disturbance areas.
4. All disturbance areas shall be clearly delineated, marked and validated by the CPUC EM prior to any ground disturbance associated with the modified disturbance areas.
5. SCE shall provide updated maps showing the new disturbance limits to the CPUC EMs and all monitors in the field prior to construction activities in the revised Tower 1013 area.
6. Pre-construction surveys shall be conducted, as applicable, and results would be submitted to the CPUC's EM for validation.
7. In the event of an unanticipated discovery of cultural materials within the tower modification and disturbance area for Tower 1013, 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.

8. In accordance with the Paleontological Monitoring and Treatment Plan, low sensitivity units in the Tower 1013 disturbance area shall be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.
9. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
10. 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: Kelly Pell, Southern California Edison
Sheree James, Southern California Edison
Sylvia Granados, Southern California Edison
Patty Nevins, Southern California Edison
Holly Roberts, Bureau of Land Management
Ysmael Wariner, Bureau of Land Management
Vida Strong, Aspen Environmental Group
Hedy Koczwara, Aspen Environmental Group
Jamison Miner, Aspen Environmental Group
Rosina Goodman, Aspen Environmental Group
Ryann Loomis, Aspen Environmental Group