

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



November 8, 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 #49

Dear Ms. Benz,

On November 2, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for a temporary work area and use of an existing spur road at Tower M237-T4/2000X along the Devers-Red Bluff 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 minor project refinements as a result of final engineering 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. The CPUC has concluded that the activities under this variance are located within the geographic boundary of the study area of the Final EIR/EIS and Supplemental EIR, and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the criteria used in the environmental documents;

conflict with any mitigation measure or applicable law or policy; or trigger an additional permit requirement.

Variance #49, which approves the subject temporary work area and DPV1 spur road needed for Tower M237-T4/2000X, is granted by CPUC for the proposed activities based on the factors described below.

SCE Variance Request. SCE has requested a variance under NTP #9 along the Devers-Red Bluff segment for temporary work area needed for Tower M237-T4/2000X. Excerpts from the SCE Variance Request, received on November 2, 2012 are presented below (indented):

Reason for Variance. Subsequent to approval of the Red Bluff Substation to Devers Substation Transmission Line NTPR (NTP #9 dated December 2, 2011) by the CPUC, a constructability review was completed and the following change to a temporary disturbance area for conductor stringing was identified as being needed, as described below and shown in the attached figure. Both areas are within very low quality habitat that had been previously disturbed during DPV1 construction. Any additional disturbance is offset by the reduced tower disturbance areas that have occurred throughout the project (i.e., reduction to 180x180). Each tower site that we used the reduced area has saved us approximately 0.10 acres of disturbance.

Site	Tower	Change in Project Component Boundary	Ownership
1	M237-T4/ 2000X Work Area	Establishment of a work area around the base of existing tower M237-T4/2000X. This work area is needed during the outage while the line is de-energized for installation of FAA lighting on an existing DPV1 tower. The lighting will not be used until approval from the CPUC. Activities include drive and crush of existing vegetation and the staging and operation of cranes with outriggers, crew trucks and pickup trucks.	Private
2	M237- T4/2000X 2000X Spur Road	Use of existing DPV1 spur road for use of construction equipment	Private

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 use of the proposed 2000X work area would result in 0.3 acres of additional impacts to modeled desert tortoise habitat, and 0.28 acres of additional impacts to modeled Coachella Valley milk-vetch habitat. Since the 2000X spur road is already an existing road, additional impacts would not result from its use. Pre-construction desert tortoise clearance surveys shall be conducted by an Authorized Biologist immediately prior to construction activities within a 100 percent coverage area of all desert tortoise habitat (modeled, critical, and/or occupied) that will be subject to temporary and permanent disturbance.

Additionally, as indicated in NTP #9, to the extent possible, all construction activities in Coachella Valley milk-vetch modeled habitat will be conducted outside of the seed germination and growing season, generally January to May. If construction activities are required during that period, a qualified biologist/botanist shall conduct pre-construction focused winter (generally January and February) surveys for Coachella Valley milk-vetch in areas of the project that support modeled habitat for this species prior to ground disturbance. Any milk-vetch locations identified during surveys shall be delineated on aerial photographs, incorporated into the project construction management plans, and

avoided to the maximum extent possible. Where avoidance is not possible, SCE shall implement measures outlined in the USFWS approved Coachella Valley Milk-Vetch Salvage Plan.

Any disturbance 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).

As conditioned below, SCE shall provide updated construction and biological resources constraints maps showing the additional work area and spur road near existing Tower M237-T4/2000X to the CPUC EMs and all monitors in the field prior to their use. All mitigation measures, APMs, and conditions of the Biological Opinion (BO), should be implemented along the access roads. 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. The Final Historic Properties Management Plan (HPMP) for the DPV2 Project was accepted on October 20, 2011. No cultural resources were identified within or immediately adjacent to the identified work area and spur road near existing Tower M237-T4/2000X. 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 CPUC on April 20, 2011, the potential to encounter paleontological resources within the identified work area and spur road near existing Tower M237-T4/2000X 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. There are no sensitive receptors in the vicinity of the temporary work area and spur road near existing Tower M237-T4/2000X. Use of the temporary area would have similar noise-generating activities to those that will occur along the existing access/spur roads and at the tower sites. Appropriate noise and land use mitigation measures would apply. 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 desert tortoise clearance surveys shall be conducted by an Authorized Biologist immediately prior to construction activities within a 100 percent coverage area of all desert tortoise habitat (modeled, critical, and/or occupied) that will be subject to temporary and permanent disturbance.
4. To the extent possible, all construction activities in Coachella Valley milk-vetch modeled habitat will be conducted outside of the seed germination and growing season, generally January to May. If

construction activities are required during that period, a qualified biologist/botanist shall conduct pre-construction focused winter (generally January and February) surveys for Coachella Valley milk-vetch in areas of the project that support modeled habitat for this species prior to ground disturbance. Any milk-vetch locations identified during surveys shall be delineated on aerial photographs, incorporated into the project construction management plans, and avoided to the maximum extent possible. Where avoidance is not possible, SCE shall implement measures outlined in the USFWS approved Coachella Valley Milk-Vetch Salvage Plan.

5. SCE shall provide updated maps showing the work area and spur road near existing Tower M237-T4/2000X to the CPUC EMs and all monitors in the field prior to use.
6. In accordance with the Paleontological Monitoring and Treatment Plan, low sensitivity units at the work area and spur road near existing Tower M237-T4/2000X shall be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.
7. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
8. 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
Patty Nevins, Southern California Edison
Vida Strong, Aspen Environmental Group
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