

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 14, 2013

Mr. Koral Ahmet
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 #58

Dear Ms. Ahmet,

On January 9, 2013, Southern California Edison (SCE) submitted a revised variance request to the California Public Utilities Commission (CPUC) for minor modifications to temporary disturbance areas for transmission line construction needs 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 #58, which approves the subject revisions, 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 disturbance modifications required for conductor stringing. Excerpts from the SCE Variance Request, received on January 9, 2013, are presented below (indented). On January 11, 2013, SCE requested that CRD-GS93A be removed from the variance request since it had been previously approved.

Subsequent to approval of the Devers to Red Bluff Transmission Line NTPR (NTP #9 dated December 2, 2011) by the CPUC, a constructability review was completed and several changes to temporary disturbance areas were identified as being needed, as described below and shown in the attached figures: *[in SCE's Variance Request]*.

#	Site	Adjacent Tower	Change in Project Component Boundary	Ownership
1	CRD-GS36	2123	Expansion of site to 35 feet wide and shift closer to the access road.	Private
2	CRD-GS67	2228	Expansion of site to 35 feet wide and shift site 160 feet north.	Private
3	Pull Site No 25	2229	Rotated and shifted 209 feet to the west to minimize the wire pulling angle associated with the proposed power line alignment and to avoid an existing commercial structure	Private
4	Splice Site No 16	2235X	Shift of Splice Site No 16 with a new access road. The new site will be reduced a total of 100 sqft to account for the addition of an access road. The original dimensions were 100'x100' and the proposed dimensions are 90'x110', not taking into account the new stub/access road length of 90 lf. The stub/access road is 18' in width.	Private
5	CRD-GS72	2242	Shift of the guard structure and utilization of an existing disturbed road as access road stemming from the main access road north to the guard structure.	Private
6	CRD-GS73AA	2241	New guard structure required to protect an existing overhead line. The site is 35 feet wide and 110 feet long. Access will be provided via an existing disturbed road stemming from the main access road south to the guard structure location.	Private
7	Splice Site No 24	2303X	Expansion of site by 8,100 square feet for proper stringing operations. The access road has been relocated to connect to the main access road to the south to avoid an existing high pressure gas line beneath the existing access road location to the north. The new access road is 126 feet in length and has a wider entrance to provide adequate turning radius.	Private
8	CRD-GS93A	2326 ALT	Expansion of site to 35 feet and shifted 25 feet to the southwest.	Private
9	CRD-GS95	2327	Expansion of site for existing Interstate 10 protection and coverage at the request of Caltrans. Site expanded along the northern side of I-10 to the east to allow for vehicular and equipment access and parking. The original guard structure was 30'x155'. The proposed disturbance area is 322'x511'x740'x116'.	Private

#	Site	Adjacent Tower	Change in Project Component Boundary	Ownership
10	CRD-GS96	2327	Expansion of guard structure to encompass entire median and GS97 per the request of Caltrans. New access road 326 feet long and 18 feet wide added for access to the site from an existing I-10 pull off to the east.	Private
11	CRD-GS98	2327	Expansion of the site to protect Interstate 10, per the request of Caltrans. The existing dimensions were 30'x155' and the proposed dimensions are 35'x160', with a new access road running north to south that is 229 feet long and 18 feet wide.	Private

CPUC Evaluation of Variance Request

In accordance with the MMCRP, the subject variance request was reviewed by CPUC to confirm that the proposed request was within the geographical context of the Final EIR/S and 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. As describes in SCE's biological review memos (dated January 9, 2013), implementation of the proposed Devers-Red Bluff pull site revisions would result in additional impacts to modeled and critical desert tortoise habitat. Because there are sites located in desert tortoise habitat, 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. In addition, impacts to jurisdictional waters would be decreased by 0.0109 acre in the vicinity of Splice Site No. 24 and CRS-GS98. Finally, revisions to Pull Site No. 25 would result in 0.2468 acre of additional impacts to smoke tree woodland, a special-status vegetation community.

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 revised pull sites to the CPUC EMs and all monitors in the field prior to construction activities at the subject sites. All mitigation measures, APMs, and conditions of the Biological Opinion (BO), shall be implemented. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist and pre-construction clearance sweeps.

Cultural Resources. The Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project was accepted on October 20, 2011. No cultural resources were identified within or immediately adjacent to the 10 requested minor modifications to disturbance areas.

In the event of an unanticipated discovery of cultural materials, 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 (Plan), submitted to the California Public Utilities Commission on April 20, 2011, the potential to encounter paleontological resources within the requested minor modifications to disturbance areas varies from low to high. Therefore, in accordance with the Plan, high sensitivity units will be monitored full-time during excavations in sediment of high paleontological sensitivity. Moderate sensitivity units will require spot-check monitoring and low sensitivity units will be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist. Disturbance areas will be monitored at the following tower locations:

Paleontological Construction Monitoring				
Full-time Monitoring	Spot-Check Monitoring	Part-time Monitoring		
2235X	2303X	2123	2228	2229
	2327	2242	2241	

In the event that a paleontological resource discovery is made during site development, all construction activities in the area of the discovery must cease, and the Discovery of Fossils protocol, as specified in the Plan will be followed (1-Notification, 2-Avoidance and Continued Construction Activities, and 3-Determining Significance of a Discovered Paleontological Resource).

Noise/Sensitive Receptors. There are few sensitive receptors in the vicinity of the revised temporary disturbance areas located on privately-owned land. Use of the revised sites would have similar noise-generating activities to those that will occur along the existing access 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 surveys shall be conducted, as applicable, and all disturbance areas shall be clearly delineated and marked prior to any ground disturbance associated with the use of the proposed revised sites and results would be submitted to the CPUC's EM for validation.
4. 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.

5. SCE shall provide updated construction and biological resources constraints maps showing the new and revised disturbance areas to the CPUC EMs and all monitors in the field prior to use. Updated maps can be provided prior to construction by tower location (s).
6. In accordance with the Paleontological Monitoring and Treatment Plan, SCE shall monitor high sensitivity units full-time during excavations in sediment of high paleontological sensitivity (Tower 2235). Moderate sensitivity units will require spot-check monitoring (Towers 2303X and 2327) and low sensitivity units will be monitored intermittently (Towers 2123, 2228, 2229, 2242, 2241), to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.
7. In the event that a paleontological resource discovery is made during site development, all construction activities in the area of the discovery must cease, and the Discovery of Fossils protocol, as specified in the Paleontological Monitoring and Treatment Plan shall be followed (1-Notification, 2-Avoidance and Continued Construction Activities, and 3-Determining Significance of a Discovered Paleontological Resource).
8. In the event of an unanticipated discovery of cultural materials, 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 Historic Properties Management Plan as itemized below:
 - o All work within 200 feet of the discovery shall be halted and the onsite Archaeological Field Monitor shall evaluate the discovery.
 - o 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.
 - o Activities within 200 feet of the discovery shall not resume until the discovery has been assessed by a member of the Cultural Resources Team.
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

Suzan Benz, Southern California Edison
Patty Nevins, Southern California Edison
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
Liz Majchrowicz, DNL Environmental