

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



January 15, 2012

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 #59

Dear Ms. Ahmet,

On January 8, 2012, Southern California Edison (SCE) submitted a revised variance request to the California Public Utilities Commission (CPUC) for use of temporary work areas not previously identified for the Mirage Substation telecommunication loop-ins 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 #59, which approves the subject temporary work site revisions, is granted by CPUC for the proposed activities based on the factors described below.

**SCE Variance Request.** SCE has requested a variance for use of temporary work areas not previously identified in the NTPR maps for the Mirage Substation Telecommunication Loop-ins. Excerpts from the SCE Variance Request, received on January 8, 2013 are presented below (indented):

SCE requests a variance to authorize the use of an additional 15-foot wide by approximately 140-foot long work area along the south side of the existing 15-foot wide temporary work area identified in the Mirage Substation Telecommunication Loop-ins NTPR maps. This additional temporary work area will be used during the construction of the conduit run exiting the west side of the Mirage Substation and connecting to the southern distribution pole, as shown in revised Figure 1-4 attached. This work area will be used for drive and crush and spoils containment, associated with the conduit construction.

In addition, the existing driveway parallel to the access road identified in the NTPR maps and parallel to the west side of the substation fence line, may be also be used for the same purposes. (See revised Figures 1-3 and 1-4 attached *[in SCE's variance request]*.)

Construction activities in these work areas will not adversely impact sensitive receptors or biological resources, and will be temporary in nature. The additional work area boundary associated with this temporary disturbance will be conspicuously staked and flagged on all sides to minimize surface disturbance activities during construction and be available for field validation, prior to commencing with temporary work activities in this area.

#### **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.** A total of 0.04 acre of additional temporary impacts to disturbed land that occur within the new work area are anticipated during conduit construction activities. The new work area is geographically located within critical habitat for the Coachella Valley fringe-toed lizard (CVFTL). Temporary impacts to geographically mapped CVFTL critical habitat total approximately 0.04 acre. No special-status wildlife species observations have been made during preconstruction and during construction surveys within the vicinity of the proposed work area. No jurisdictional waters would be impacted.

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.** Based on background research and survey, no cultural resources were identified within or near temporary work areas for the Mirage Substation Telecommunication Loop-ins. No cultural resources mitigation compliance conditions are required.

**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 near the Mirage Substation 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.

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 area around Mirage Substation. Use of the revised area would have similar noise-generating activities to those that will occur along the existing Mirage Substation Telecommunication Loop-ins. Applicable 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. Prior to the initiation of any ground-disturbing activities, all work area boundaries associated with temporary and permanent disturbance shall be clearly staked, flagged, or marked and results would be submitted to the CPUC's EM for validation. All workers shall strictly limit access and vehicles to the designated work limits.
4. Removal of any perennial, native vegetation in work areas shall be avoided to the maximum extent practicable. Access to work areas in undisturbed habitat shall be achieved by crushing, instead of removal, to the maximum extent practicable.
5. SCE shall conduct pre-construction surveys for sensitive wildlife in accordance with specific conditions provided in Final EIS/EIR Mitigation Measures and conditions of the USFWS BO. The location of sensitive species identified during the pre-construction surveys shall be provided to the BLM and CPUC on updated project maps.
6. In accordance with the Paleontological Monitoring and Treatment Plan, SCE shall monitor low sensitivity units intermittently 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. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
9. 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  
Sheree James, Southern California Edison  
Vida Strong, Aspen Environmental Group  
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