

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 22, 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 #60

Dear Ms. Ahmet,

On January 18, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for additional disturbance area for the installation of two anchor rods on 22nd Avenue in Blythe, CA, to be used for the fiber optic cable installation on the Southeast Telecommunication Route 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 #60, which approves the subject 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 additional disturbance area for the installation of two anchor rods on an existing distribution pole on 22nd Avenue. Excerpts from the SCE Variance Request, received on January 18, 2013 are presented below (indented):

Reason for Variance. To authorize an additional disturbance area for the installation of two (2) anchor rods on 22nd Avenue in Blythe, CA. The anchor rods will provide additional structural support for an existing pole on 22nd Avenue, to be used for the fiber optic cable installation on the Southeast Telecommunication Route.

USFWS BO-6 requires that all work area boundaries associated with temporary and permanent disturbances be conspicuously staked, flagged, or marked to minimize surface disturbance activities.

Action Required. SCE requests a variance to authorize the installation of two (2) anchor rods on an existing distribution pole on 22nd Avenue, to support the added weight of the fiber optic cable installation, approved under the Southeast Telecommunication Route NTP.

The additional anchors will be located approximately 18 feet south of pole #2073600E, at the corner of South Defrain Blvd and 22nd Avenue. The additional disturbance area resulting from the two (2) anchor locations is 0.0001 acre (two – 2 ft diameter areas around the anchor screws). Please see revised Figure 2-261 [in SCE's variance request].

The two (2) anchor locations were staked in the field on 1/09/13 and are ready for CPUC field validation.

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. Installation of the two anchor rods is proposed within the shoulder of an existing unpaved road on private land surrounded by agricultural land uses. The additional disturbance area resulting from the two anchor locations is 0.0001 acre (two – 2-foot diameter areas around the anchor screws). Several special-status species have the potential to utilize land adjacent to the access route including, but not limited to, burrowing owl (*Athene cunicularia*) and prairie falcon (*Falco mexicanus*). The work area is not located within critical, modeled, or occupied habitat for any special-status species. 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 additional work area to the CPUC EMs and all monitors in the field prior to construction activities at the subject site. All mitigation measures, APMs, and conditions of the Biological Opinion (BO), shall be implemented. This includes, but is not limited to pre-construction clearance sweeps.

Cultural Resources. Based on background research and survey, no cultural resources were identified within the additional disturbance area proposed for the installation of two anchor rods. In addition, minimal ground disturbance is required for the proposed anchor locations. 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 within the additional disturbance area proposed for the installation of two anchor rods is low. In addition, the anchors will be installed within the shoulder of an existing roadway (southeast corner of South Defrain Blvd and 22nd Ave). There are no paleontological resources concerns with this variance.

Noise/Sensitive Receptors. There are no sensitive receptors in the vicinity of the revised disturbance area on 22nd Avenue for anchor rod installation. Use of the revised area would have similar noise-generating activities to those that will occur along the existing telecommunications route. 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. 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. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
5. 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

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cc: Kelly Pell, Southern California Edison
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