

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



February 12, 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 #64

Dear Mr. Ahmet,

On January 29, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for modifications to 25 disturbance areas for transmission line construction needs from Towers 1019 to 1031 along the Devers-Valley segment of the Devers-Palo Verde No. 2 (DPV2) Transmission Project. Additional information was submitted on February 11.

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 #64, 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 #10 along the Devers-Valley segment for disturbance modifications required based on a constructability review. Excerpts from the SCE Variance Request, received on January 29, 2013, and additional information submitted on February 11, 2013, 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 California Public Utilities Commission (CPUC), constructability review was completed including review of conductor reel lengths, tower heights, major road crossings, existing transmission line crossings, access points and NTP approved guard pole/reel sites and several changes to temporary disturbance areas for conductor stringing were identified as being needed as well as numerous locations were identified as not being required for construction, as described below and shown in the attached figures *[in SCE's Variance Request]*:

Pull #	Site	Change in Project Component Boundary	Ownership
104 1	DV Wire Site No. 7	Shifting wire site disturbance area to center between Tower 1018 and 1019 (snub to be installed within this disturbance area).	Private
104 2	DV-GS21A	Expanding guard structure disturbance area to 35 feet by 100 feet and shifting westward.	Private
104 3	DV-GS21B	Expanding guard structure disturbance area to 35 feet by 100 feet and shifting westward.	Private
104 4	DV-GS22A	Expanded to a width of 35' and shifted to protect distribution lines	Private
104 5	DV-GS22B	Expanded to a width of 35' and shifted to protect distribution lines	Private
104 6	Access Rd to DV-GS22A	Addition to gain access to guard pole structures; pre-existing access road	Private
104 7	DV-GS23	Area no longer required; giveback.	Private
104 8	DV-GS24A	Expanded to a width of 35' to allow for guard pole installation	Private
104 9	DV-GS24B	Expanding guard structure disturbance area to 35 feet by 100 feet and shifting eastward.	Private
104 10	DV-GS25A	Area no longer required; giveback.	Private
104 11	DV-GS25B	Area no longer required; giveback.	Private
104 12	Access Rd to DV-GS26	Adding use of existing UPRR service road.	Private
104 13	DV-GS26	Expanding guard structure disturbance area to 35 feet by 100 feet and shifting westward.	Private
104 14	DV-GS28	Expanding to a width of 35' x 100'; Shift disturbance area	Private
104 15	Access Rd to DV-GS29A	Expanded to a width of 35' and shifted to protect rail road crossing	Private
104 16	DV-GS29A	Expanding guard structure disturbance area to 35 feet by 100 feet and shifting westward to box in transmission line.	Private
104 17	DV-GS29B	Expanded to a width of 35' to allow for guard pole installation	Private
104 18	DV Splice Site No. 4	Area no longer required; giveback.	Private
104 19	Access Rd to DV-GS30	Adding new access road to gain access to guard structure disturbance area. <i>[Access Rd To DV-GS30 is required due to the disconnection of DV-GS30 from Highway 111. The slope of the hillside prevents accessing DV-GS30 from Highway 111].</i>	Private
104 20	DV-GS30	Expanding guard structure disturbance area to 50 feet wide to accommodate installation of guard pole anchor to protect highway.	Private

<b>Pull #</b>	<b>Site</b>	<b>Change in Project Component Boundary</b>	<b>Ownership</b>
104 21	DV-GS31A	Expanding guard structure disturbance area to encompass highway median to accommodate guard structure installation.	Private
104 22	DV-GS31B	Expanding guard structure disturbance area to 50 feet wide to accommodate installation of guard pole anchor to protect highway.	Private
104 23	DV Pull Site No. 9	Area no longer required; giveback.	Private
104 24	DV Pull Site No. 8	Area no longer required; giveback.	Private
105 25	DV Wire Site No. 11	Shifting wire site disturbance area south towards Tower 1031, avoiding impact to jurisdictional water feature.	Private

### CPUC Evaluation of Variance Request

In accordance with the MMRP, 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 memo (dated January 29, 2013), implementation of the 25 proposed shifts, reductions, additions, and expansions of wire sites and associated features along Devers-Valley would result in a net increase of impacts to special-status vegetation community desert willow woodland (0.27 acres). The proposed modifications would also result in a net decrease of impacts to modeled Coachella Valley milk-vetch habitat (1.57 acres), modeled desert tortoise habitat (1.17 acres), modeled Coachella Valley fringe-toed lizard habitat (1.13 acres), and jurisdictional waterways (1.93 acres). 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.

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. One cultural resources site (P-33-017587) was identified at one of the 25 sites. In accordance with the Final HPMP, the following proposed mitigation is required:

Proposed Mitigation for Cultural Resources Sites Identified on Private Property within the Pull Plan Package 2, Pull 104-105			
Pull #	Resource Designation	NRHP* Eligibility	Proposed Mitigation
104-1	P-33-017587	Not evaluated	ESA fencing and monitor avoidance

\* NRHP = National Register of Historic Places

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, submitted to the California Public Utilities Commission on April 20, 2011, the potential to encounter paleontological resources near Towers 1019 to 1031 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 immediate vicinity of the revised disturbance areas located on privately-owned land and nearby to existing wind turbines. 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 intermittently monitor low sensitivity units, 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. SCE shall install ESA fencing and monitor avoidance at cultural resources site P-33-017587.
9. 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:
  - 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.
10. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
11. 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  
Sylvia Granados, Southern California Edison  
Vida Strong, Aspen Environmental Group  
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