

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 8, 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 #69

Dear Mr. Ahmet,

On March 7, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for an alternative access route to Tower 2249 to avoid a roadrunner nest along a portion of the main access road, 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 #69, which approves the alternative route to Tower 2249, 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 for the Devers-Red Bluff segment for an alternative access route to Tower 2249. Excerpts from the revised SCE Variance Request, received on March 7, 2013, are presented below (indented).

Subsequent to approval of the Devers to Red Bluff Transmission Line NTPR (NTP #9 dated December 2, 2011) by the California Public Utilities Commission (CPUC), an additional access route to tower 2249 was identified as being needed to protect a roadrunner nest (FRED Nest 2335) along a portion of the main access road. The nest, which is in a Palo Verde tree adjacent to the access road associated with tower 2249, could be impacted by the heavy equipment and trucks that would have to travel the main access road to mobilize for the upcoming stringing activities planned.

In order to minimize potential impact to this nest, SCE is proposing to use an alternative route, Gasline Road, which is an existing utility road south of the main access road, and which has direct access to Tower 2249. The areas of the road needed for construction are identified in red in the attached map. The majority of the line is along private land with a small portion at the entrance of the road along BLM land. There are dirt stockpiles at the intersection of the Gasline Road and the stub road to Tower 2249, which would need to be leveled prior to use of the road.

Use of the existing, previously disturbed, and regularly used Gasline Road would have no direct effect on the biological resources in the area. The archaeologist has determined that there will be no cultural or paleontological impacts from usage of this existing access road.

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 memo (dated March 8, 2013), Gasline Road, the proposed alternative route to Tower 2249, is located within modeled desert tortoise habitat and partially within modeled flat-tailed horned lizard habitat. Several desert kit fox burrows were observed north and south of Gasline Road, including one potential natal den 30 feet north of the road. An active burrowing owl nest was also observed 75-feet south of Gasline Road for which a 150 foot buffer has been established. No special-status plants were observed along Gasline Road. Multiple large washes cross Gasline Road between the Dillon Road entrance and Tower 2249.

Gasline Road, an existing unpaved road, is previously disturbed and no new improvements will occur under this variance other than removing some stockpiled soil. All vehicles will only be traveling on Gasline Road, remaining within the existing roadway boundaries. As such, no adverse impacts to biological resources are expected. As conditioned below, SCE shall provide updated construction and biological resources constraints maps showing the alternative access route to Tower 2249 to the CPUC EMs and all monitors in the field prior to use of Gasline Road. 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 biologist(s) to conduct sweeps of the access road for desert tortoise and flat-tailed horned lizards immediately prior to use, no parking or idling within the

150-foot burrowing owl buffer or within proximity of the known kit fox dens, and adherence to project speed limits.

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 near or within the alternative existing access road (Gasline Road) identified for Tower 2249. In addition, the existing unpaved road is previously disturbed and no new improvements will occur other than removing some stockpiled soil. All vehicles will remain on the existing road. No NTP conditions are recommended.

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 within the alternative existing access road (Gasline Road) to Tower 2249 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 a few sensitive receptors in the immediate vicinity of the alternative access route to Tower 2249 located on privately-owned land. Use of the alternative route 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. SCE shall provide updated construction and biological resources constraints maps showing the alternative access route to Tower 2249 to the CPUC EMs and all monitors in the field prior to use. Updated maps can be provided prior to use of Gasline Road.
5. A qualified USFWS, CPUC, and BLM approved biologist(s) shall conduct sweeps of the access road for desert tortoise and flat-tailed horned lizards immediately prior to its use.
6. No parking or idling shall occur within the 150-foot burrowing owl buffer or within proximity of the known kit fox dens.
7. 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.
8. 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).
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

DPV2 Project

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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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