

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 13, 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 #70

Dear Mr. Ahmet,

On March 5, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for use of access roads north of Powerline Road, east of the Devers Substation, and west of the Devers Construction Yard, for access to Tower 1000X and to facilitate the installation of a telecommunication connection into the east side of the Devers Substation for 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 #70, which approves the subject access roads north of Powerline Road, 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 access roads to Tower 1000X and to facilitate telecom connection into Devers Substation. Excerpts from the revised SCE Variance Request, received on March 5, 2013, are presented below (indented).

SCE requests a variance to authorize the use of access roads north of Powerline Road, east of the Devers Substation, and west of the Devers Construction Yard, for access to Tower 1000X during the installation of a telecommunication conduit connection into the east side of the Substation.

Please see revised Figure 1 attached [to SCE's Variance Request].

Access road travel will not adversely impact sensitive receptors and will be temporary in nature.

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 Variance Request (dated March 5, 2013), land adjacent to the work area is disturbed/developed and creosote bush scrub. Several special-status species have the potential to utilize land adjacent but not within the access roads including but not limited to desert tortoise (*Gopherus agassizii*), burrowing owl (*Athene cunicularia*), and Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*). The access roads are geographically located within desert tortoise modeled habitat. However, the proposed access roads occur within previously disturbed land that no longer support suitable habitat for the desert tortoise. During construction, SCE has stated that work areas will be surveyed daily by agency-approved biological monitors. Additionally, all project vehicles will stay within the approved work limits.

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 adhering 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. Based on background research, no cultural resources were identified within the existing roads identified to access Tower 1000X. In addition, no improvements are required for this variance and all vehicles will remain on existing roads. No specific cultural resources mitigation compliance 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 existing roads identified to access Tower 1000X is low. In addition, improvements to the existing access routes are not required and minimal ground disturbing activities will occur.

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 Devers Substation or access routes to Tower 1000X located on privately-owned land. Use of the additional routes 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 routes north of Powerline Road to the CPUC EMs and all monitors in the field prior to use.
5. A qualified USFWS, CPUC, and BLM approved biologist(s) shall conduct sweeps of the access road for desert tortoise immediately prior to its use.
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. 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.
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
Sheree James, Southern California Edison
Vida Strong, Aspen Environmental Group
Hedy Koczwar, Aspen Environmental Group
Jamison Miner, Aspen Environmental Group
Rosina Goodman, Aspen Environmental Group
Ryann Loomis, Aspen Environmental Group