

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 23, 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 #73

Dear Mr. Ahmet,

On March 13, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for modifications to 19 disturbance areas for transmission line construction needs from Towers 1090 to 1122 along the Devers-Valley segment of the Devers-Palo Verde No. 2 (DPV2) Transmission Project. Additional information was submitted on March 14 and 20.

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 #73, 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 March 13, 2013, and additional information submitted on March 14 and 20, 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 |
|--------|---|--|-----------|
| 110 1 | DV-GS64 | Expand to a width of 35 ft and shift to protect distribution line | Private |
| 110 2 | DV-GS65 | Area not needed ("Giveback") | Private |
| 110 3 | DV-GS66 | Area not needed ("Giveback") | Private |
| 110 4 | DV Implosive Splice Site No 10 | Shift Implosive Splice Site No 10 eastward between towers 1094-1095 and adjust site disturbance area to 50 ft x 75 ft; <i>[DV Implosive Site No 10 is being shifted from the circular site offset from the road and west of Tower 1095 to the rectangular site located west of Tower 1094 and bisected by the approved access road, where it will be accessible to crews.]</i> | Private |
| 110 5 | DV Wire Site No 36/ Wire Site No 37/ Splice Site 11 | Snub to be installed at this location; Shift disturbance area southwest | Private |
| 111 6 | DV-GS68 | Expand to a width of 35 ft to allow for guard pole installation; <i>[To access the site, the contractor will occupy single lane nearest to DV-GS68 with truck/drill rig, with appropriate traffic control measures, to extend drill rig or pole setting equipment to the guard structure disturbance area.]</i> | Private |
| 111 7 | DV-GS69 | Expand to a width of 35 ft to allow for guard pole installation | Private |
| 111 8 | DV-GS69B | Area not needed ("Giveback") | Private |
| 111 9 | DV-GS69C | Area not needed ("Giveback") | Private |
| 111 10 | DV Pull Site No 38 | Shift northwest to reduce angle for pull through tower | Private |
| 112 11 | DV Wire Site No 40/ Pull Site No 41/ Splice Site 13 | Snub to be installed at this location; not shown on figures because there is no disturbance area change. | Private |
| 112 12 | Access Rd to DV Fiber Reel Site 34 | Add route across agricultural field to gain access to Fiber Site; <i>[the access road would be drive and crush with minor grading and/or compaction to allow equipment to travel without getting stuck]</i> | Private |
| 112 13 | DV-GS73A | Add to box in distribution line | Private |
| 113 14 | DV-GS73 | Shift to protect distribution line | Private |
| 113 15 | DV-GS74 | Expand to a width of 35 ft to allow for guard pole installation | Private |
| 113 16 | DV-GS75 | Expand to a width of 35 ft and shift to protect distribution line | Private |
| 113 17 | Access Rd to DV-GS75 | Add to gain access to guard pole structures; pre-existing access road | Private |
| 113 18 | Access Rd to DV Splice Site No. 14 | Add to gain access to splice site disturbance area; new access road | Private |

| Pull # | Site | Change in Project Component Boundary | Ownership |
|--------|----------------------|---|-----------|
| 113 19 | DV Splice Site No 14 | Shift site northeast; Adjust site disturbance area to 90 ft x 110 ft | 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 March 13, 2013), implementation of the 19 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 Southern Mixed Chaparral scrub (0.05 acre). No additional impacts to special-status habitats or jurisdictional waterways would occur as a result of the proposed pull site modifications.

As SCE stated in an email on March 20, 2013, the access road to Fiber Reel Site 34 will be created by the drive and crush method with minor grading and/or compaction. There is currently no road in this location. Therefore, the updated constraints maps should indicate the full limits of the road as a polygon (rather than a line). Additionally, SCE should stake the limits of the access road to Fiber Reel Site 34 prior to use.

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.

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 within or immediately adjacent to the 19 requested minor modifications to disturbance areas. 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 1090 to 1122 varies from low to high. Therefore, in accordance with the Plan, high sensitivity units will be monitored full-time during excavations in sediment of high paleontological sensitivity and low sensitivity units must be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist. Disturbance areas will be monitored at the following tower locations:

| Paleontological Construction Monitoring | |
|--|------------------------------|
| Full-time Monitoring | Spot-Check Monitoring |
| 1094 | 1118 |
| 1095 | 1119 |
| 1100 | 1120 |
| 1105 | |
| 1116 | |

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. Use of the revised sites would have similar noise-generating activities to those that will occur along the existing access roads 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 new and revised disturbance areas to the CPUC EMs and all monitors in the field prior to use. The full limits of the access road to Fiber Reel Site 34 shall be shown as a polygon rather than a line on the maps. Updated maps can be provided prior to construction by tower location(s).
5. SCE shall stake the full limits of the access road to Fiber Reel Site 34 prior to use.

6. In accordance with the Paleontological Monitoring and Treatment Plan, SCE shall monitor high sensitivity units full-time during excavations in sediment of high paleontological sensitivity (Towers 1094, 1095, 1100, 1105, and 1116) and SCE shall intermittently monitor low sensitivity units (Towers 1118, 1119, and 1120), 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
Sylvia Granados, Southern California Edison
Vida Strong, Aspen Environmental Group
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