

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



April 16, 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 #79

Dear Mr. Ahmet,

On April 11, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for use of an alternate access route to Power Line Road at Diablo Road to maintain access between Towers 1003 and 1004 along the Devers-Valley 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 #79, which approves the subject alternate access road to Power Line 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 #10 along the Devers-Valley segment for use of Diablo Road and an existing unpaved road approximately 400 feet north of Power Line Road. Excerpts from the SCE Variance Request, received on April 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), construction activities have commenced and an alternate access route to Power Line Rd at Diablo Rd is needed.

Construction unrelated to DPV2 is blocking access to Power Line Rd just west of Diablo Rd. To maintain access between Towers 1003 and 1004, SCE proposes use of Diablo Rd and an existing unpaved road approximately 400 ft north of Power Line Rd, reconnecting with 16th Ave approximately 300 feet west of Diablo Rd, as shown in attached figure [to SCE's Variance Request]. Note that the existing unpaved road is not visible in the attached figure's aerial imagery because it was constructed recently to support a project not related to DPV2 (after the aerial imagery was captured). No new ground disturbance or road improvements are required.

#### **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 described in SCE's biological review memo (dated April 10, 2013), the proposed alternate access route would result in a net increase of impacts to modeled desert tortoise habitat (0.03 acres). The proposed access route would utilize existing roads and no additional improvements are required prior to use. However, because the route is 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. There are no jurisdictional waters or special-status vegetation communities present within the proposed alternate access road.

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 alternate access route to the CPUC EMs and all monitors in the field prior to use. 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. No cultural resources were identified within or adjacent to the proposed alternate access route between Towers 1003 and 1004. In addition, the existing road was recently constructed and no improvements to the roads are required. All vehicles will remain on existing roads. No additional cultural resources mitigation compliance conditions are recommended.

**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 alternate access route is low. In addition, no new ground disturbance or new improvements to the existing unpaved road will occur. No additional paleontological resources mitigation compliance conditions are recommended.

**Noise/Sensitive Receptors.** There are no sensitive receptors in the immediate vicinity of the alternate access route, which is located on privately-owned land near Devers Substation. Use of the alternate access road 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, of the proposed alternate route 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 alternate access route to the CPUC EMs and all monitors in the field prior to use.
6. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
7. 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.

DPV2 Project

Page 4

Please contact me if you have any questions or concerns.

Sincerely,

*Billie Blanchard*

Billie Blanchard  
CPUC Environmental Project Manager  
DPV2 Transmission Project

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