

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 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 #83

Dear Mr. Ahmet,

On May 2, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for modification of the temporary disturbance areas for Guard Structures DV-GS92, DV-GS97 and DV-GS100A to allow for additional space for conductor stringing 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 #82, which approves the subject modifications, 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 expanded disturbance areas for Guard Structures DV-GS92, DV-GS97 and DV-GS100A to allow additional space for conductor stringing based on reevaluation by wire stringing personnel. Excerpts from the SCE Variance Request, received on May 2, 2013, are presented below (indented).

Reevaluation of CPUC approved pull site disturbance areas by wire stringing personnel has identified that additional disturbance areas are required to complete conductor stringing, as described the table below and shown in the attached figures [in SCE's Variance Request]. All sites included in this Variance Request are located on privately owned land.

Pull	#	Site	Change in Project Component Boundary
116	1	DV-GS92	Expansion of DV-GS92, creating continuous disturbance area with DV-GS92A, is needed due to the relative position of the disturbance area with the narrow DPV2 access road. The current access route does not provide adequate accessibility for guard pole installation equipment.
117	2	DV-GS97	Expansion of DV-GS97, creating continuous disturbance area with DV-GS97A, is needed due to the relative position of the disturbance area with the narrow DPV2 access road. The current access route does not provide adequate accessibility for guard pole installation equipment.
117	3	DV-GS100A	Additional area adjacent to DV-GS100 necessary to adequately protect highway 74 during wire stringing operations. Due to the general position of the guard structure disturbance area in relationship to an adjacent jurisdictional waterway, the current width of the NTP approved disturbance area does not provide adequate coverage to protect highway 74 in the event of the conductor being let down.

Activities to potentially occur within this additional disturbance areas include vegetative removal, minor grading (for equipment access if needed), and/or minor compaction to allow equipment to travel within the area without becoming stuck.

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. According to SCE's Biological Resources Review Memorandum (dated May 1, 2013), the proposed guard structure modifications would result in a net increase of 0.10 acre of temporary ground disturbance to non-special-status vegetation communities classified as scrub/disturbed land. No additional impacts to special-status species, special-status vegetation communities or impacts to jurisdictional waters in the area of the proposed modification would occur.

Restoration activities for temporary disturbance areas will be conducted in accordance with 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 stake the new disturbance areas for CPUC EM verification and shall provide updated construction and biological resources constraints maps showing the revised DV-GS92, DV-GS97, and DV-GS100A disturbance areas to the CPUC EMs and all monitors in the field prior to construction activities at the subject site. 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 DV-GS92, DV-GS97, and DV-GS100A.

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 CPUC on April 20, 2011, the potential to encounter paleontological resources near DV-GS92, DV-GS97, and DV-GS100A is moderate. However, since minimal ground disturbance (i.e., vegetation removal, minor grading, and minor compaction) will occur at these guard structure locations, no mitigation compliance conditions are recommended for paleontological resources.

Noise/Sensitive Receptors. There are sensitive receptors along Mapes Road and Highway 74 in the vicinity of the revised disturbance areas for Guard Structures DV-GS92, DV-GS97, and DV-GS100A, which are located on privately-owned land. However, use of the revised area would have similar noise-generating activities to those that will occur along the existing access roads and at the tower and guard structure 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 additional 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 revised disturbance areas for Guard Structures DV-GS92, DV-GS97, and DV-GS100A to the CPUC EMs and all monitors in the field prior to any construction activities at the subject site.
5. 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:
 - o All work within 200 feet of the discovery shall be halted and the onsite Archaeological Field Monitor shall evaluate the discovery.
 - o 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.
 - o Activities within 200 feet of the discovery shall not resume until the discovery has been assessed by a member of the Cultural Resources Team.
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.

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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