

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 12, 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 #88

Dear Mr. Ahmet,

On June 11, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for expansion of guard structure area DV-GS54 to the west instead of the south due to a Blue Grosbeak bird nest 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 #88, which approves the subject guard structure area expansion, 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 expansion of DV-GS54 to support the installation of guard poles and conductor stringing outside of the nesting bird buffer. Excerpts from the SCE Variance Request, received on June 11, 2013, are presented below (indented).

Due to the relative position of the approved disturbance area for DV-GS54 in relationship to a Blue Grosbeak bird nest (FRED Nest ID#002763) discovered on 6/5/2013, SCE's contractor will not be able to install the guard poles as originally planned at this location. SCE is requesting expansion of DV-GS54 to the west in order to install a guard pole and concrete anchor on the ground surface outside of the nesting bird buffer. The concrete anchor is necessary because the guard poles will be positioned outside the outer phases of DPV2 and the 33kv hotline will be guarded with a cable run between the two poles.

A portion of the densely vegetated DV-GS54 approved disturbance area that falls within the bird nest buffer will be removed from DV-GS54 (i.e. "giveback") to offset the requested increase in disturbance area.

Activities to potentially occur within this additional disturbance area 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 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. According to SCE's Biological Resources Review Memorandum (dated June 11, 2013), there is no mapped habitat for any threatened or endangered species in the area of the proposed modification. The proposed DV-GS54 expansion would result in a net increase of 0.07 acres of impacts to special-status vegetation community Riversidean Sage Scrub. No additional impacts to jurisdictional waters are anticipated as a result of the proposed modification, because the expansion at DV-GS54 (0.02 acres) will be more than offset by the "giveback" within the nesting bird buffer (-0.05 acres).

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. 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).

The staking of the revised disturbance area has already been verified by the CPUC EM. As conditioned below, SCE shall provide updated construction and biological resources constraints maps showing the revised DV-GS54 disturbance area 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-GS54.

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-GS54 is low. Ground disturbing activities will include vegetation removal, minor grading (for equipment access if needed), and/or minor compaction to allow equipment to travel within the area without becoming stuck. However, these activities will not reach depths that are likely to affect paleontological resources. No specific mitigation compliance conditions are recommended for paleontological resources.

However, 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 no sensitive receptors in the immediate vicinity of the revised disturbance area for DV-GS54, which is located on privately-owned land. Use of the expansion area would have similar noise-generating activities to those that will occur along the existing access roads and 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 Issues. There are no other issues of concern.

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. SCE shall provide updated construction and biological resources constraints maps showing the revised disturbance area for DV-GS54 to the CPUC EMs and all monitors in the field prior to any construction activities at the subject site.

4. 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.
5. 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).
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
Hedy Koczwar, Aspen Environmental Group
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