

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 17, 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 #91

Dear Mr. Ahmet,

On July 11, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for modification of five guard structure sites to support guard pole installation and conductor stringing along the Devers-Valley segment of the Devers-Palo Verde No. 2 (DPV2) Transmission Project. SCE's Variance Request addresses five sites; however, two of them are "give backs" where no disturbance would occur. The recently determined need for drive-and-crush access to the sites resulted in consultation with the Western Riverside Regional Conservation Authority (RCA) because the temporary drive and crush areas were not originally included in the Western Riverside Multi-species Habitat Conservation Plan (MSHCP) Participating Special Entity (PSE) Application and Certificate of Inclusion. Information on these new areas was submitted to the RCA, and the RCA issued an addendum to the Application and Certificate of Inclusion on July 16, 2013, approving the proposed temporary ground-based access to these guard structures.

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 #91, which approves the modification of the subject guard pole sites, 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 modifications to five guard structure sites to support the installation of guard poles and conductor stringing. Excerpts from the SCE Variance Request, received on July 11, 2013, are presented below (indented).

The NTP approved locations of DV-GS76B, DV-GS77, and DV-GS80 do not allow equipment and vehicle access to the sites from any approved access roads. Previously, SCE had proposed an alternative method of flying in equipment and materials to install guard structures at these sites.

Further review of field conditions has determined that this alternative installation method adjacent to energized distribution lines presents a high risk for crew and public safety, with even greater risk during removal once the DPV2 conductor has been installed over the guard structures.

SCE requests modifications as shown in the table below and attached figures [to SCE's Variance Request].

#	Site	Change to NTP Approved Disturbance Area Summary	Ownership
1	DV-GS70	Area not needed ("Give Back")	Private
2	DV-GS76B	Expanded to allow equipment and vehicle access	Private
3	DV-GS77	Expanded to allow equipment and vehicle access	Private
4	DV-GS80	Expanded to allow equipment and vehicle access	Private
5	DV-GS84	Area not needed ("Give Back")	Private

Activities to potentially occur within this area include drive-and-crush access only. No vegetative removal or grading will be required at any of the proposed locations.

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. SCE's Variance Request addresses five sites; however, two of them are "give backs" (DV-GS70 and DV-GS84) where no disturbance would occur, so the impact discussion below focuses on the three sites that would be expanded (DV-GS76B, DV-GS77 and DV-GS80). 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 July 10, 2013), the expansion areas for DV-GS76B (0.0192 acres), DV-GS77 (0.0089 acres), and DV-GS80 (0.0487 acres) fall within land cover types characterized as agricultural, disturbed land, and developed land. No biological resources impacts would occur at the two "give back" areas (DV-GS70 and DV-GS84).

Guard Structure DV-GS76B is along the road edge of Ramona Expressway and Guard Structures DV-GS 77 and DV-GS 80 are in active agricultural areas subject to plowing, seeding, irrigation and harvest. DV-GS80 falls within an area mapped as having the potential to support California gnatcatcher (CAGN). Based on a recent habitat assessment and previous trapping, DV-GS80 also falls within habitat with a low probability for Stephen's kangaroo rat to occur. DV-GS76B, DV-GS77, and DV-GS80 do not fall within habitats for desert tortoise, Coachella Valley milk-vetch, Coachella Valley fringe-toed lizard, flat-tailed horned lizard, or any other special-status species. Construction activities will be limited to drive-and-crush access with no vegetation removal or grading. None of the sites encompass any jurisdictional waterways features. As described above, the RCA issued an addendum to SCE's Application and Certificate of Inclusion approving the proposed temporary ground-based access to these guard structures and stating that the project as proposed will retain its Participating Special Entity status in the Western Riverside MSHCP.

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).

As conditioned below, SCE shall stake the modified disturbance areas for CPUC EM verification and provide updated construction and biological resources constraints maps showing the three expanded disturbance areas and two "give back" 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 the three expanded guard structure areas (DV-GS76B, DV-GS77, and DV-GS80). No impacts would occur at the two "give back" areas (DV-GS70 and DV-GS84).

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 the three expanded guard structure areas (DV-GS76B, DV-GS77, and DV-GS80) is low. In addition, proposed ground disturbance will be limited to drive-and-crush access only. No vegetation clearing or grading is required. No impacts would occur at the two "give back" areas (DV-GS70 and DV-GS84). No specific mitigation compliance conditions are recommended for paleontological resources.

Noise/Sensitive Receptors. There are no sensitive receptors in the immediate vicinity of the revised disturbance areas for DV-GS76B, DV-GS77, and DV-GS80, which are located on privately-owned land. Use of the expansion areas would have similar noise-generating activities to those that will occur along

the existing access roads, guard structure sites and tower sites. Appropriate noise and land use mitigation measures would apply. No impacts would occur at the two “give back” areas (DV-GS70 and DV-GS84). 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. 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 modifications of DV-GS76B, DV-GS77, and DV-GS80 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 three expanded disturbance areas and two “give back” areas 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:
 - 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.
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 5

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
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