

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 20, 2011

Ms. Suzan Benz
Environmental Project Manager
Devers-Palo Verde No. 2 Transmission Project
6 Point Drive, 1st Floor
Brea, CA 92821-6320

RE: SCE Devers-Palo Verde No. 2 (DPV2) Transmission Line Project - Notice to Proceed (NTP #4)

Dear Ms. Benz:

On September 9, 2011, Southern California Edison (SCE) requested authorization from the California Public Utilities Commission (CPUC) to commence with construction and occupation of the Indio Yard, located in the City of Indio to support construction along the Colorado River-to-Devers 500 kV transmission line segment of the Devers-Palo Verde No. 2 Transmission Line 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. 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 Notice to Proceed (NTP) does not fall under Forest Service or BLM jurisdiction.

The Devers-Palo Verde No. 2 Transmission Project will be constructed in eight work packages, as defined on the CPUC's project website (<http://www.cpuc.ca.gov/Environment/info/aspen/dpv2/dpv2.htm>). It is anticipated that, even within the eight work packages, SCE will submit multiple separate requests for NTPs during the construction process. This is a typical process for transmission line projects. Given that the DPV2 Project has been approved by the CPUC and BLM, as described above, this segmented construction review process allows SCE to proceed with individual project components where compliance with all applicable mitigation measures and conditions can be documented.

This letter documents the CPUC's thorough evaluation of all activities covered in this NTP, including the mitigation compliance table provided with the subject NTPR. The evaluation process ensures that all mitigation measures and Biological Opinion Conditions applicable to the location and activities covered in the NTP are implemented, as required in the CPUC's Decision and in BLM's Record of Decision (where applicable).

NTP #4 for the use of the Indio Construction Yard, including the water source adjacent to the yard, is granted by CPUC based on the factors described below.

SCE NTP Request

The CPUC has carefully reviewed the NTP request (NTPR) submitted by SCE, and verified that it incorporates compliance with all applicable mitigation measures. Excerpts from the SCE NTP request dated September 9, 2011 are presented as follows (indented).

The Indio Yard will serve as a material and equipment storage yard to support construction activities associated with DPV2. This section describes the Project components, including site facilities, operations, and site work associated with the proposed construction yard. Operating hours for the construction yard are planned to be from approximately 7:00 a.m. to 6:00 p.m. weekdays, or in accordance with an alternative schedule established by the local jurisdiction. SCE has dedicated a DPV2 toll-free information line (866-602-3782) and website (www.sce.com/dpv2) for this project. The information line is the designated public notification contact for DPV2, as described in the Project Wide Construction Notification Plan.

3.1 Construction Activities and Operation Components/Activities

Following is a list of components and activities that will possibly be present or occurring throughout the operation of the yard:

Construction Activities

- Grubbing of vegetation
- Installation of fencing, screening and lighting
- Installation of best management practices (BMPs) in accordance with the project's Storm Water Pollution Prevention Plans (SWPPPs) and Water Quality Management Plan (WQMP)
- Implementation and installation, maintenance and removal of permit requirements
- Operation of construction equipment and vehicles
- Installation of temporary power
- Installation of paved driveways
- Installation of trailers, restrooms and guard sheds
- Installation of gravel rock on the yard surface

Operation components and activities

- Marshaling location/vehicle parking
- Office trailers and portable toilets
- Welding and torch activities
- Security lighting
- Screening
- Material delivery and storage
- Shipping containers

- Fuel trucks and fuel storage tanks (<1,000 gallons)
- Roll-off trash containers
- Welding and torch activities
- Waste materials for recycling and disposal
- General office and security activities

3.1.1 Site Preparation

Site work at the yard will include clearing and removal of weeds and brush. The yard will be stabilized according to the SWPPP requirements.

3.1.2 Access Routes

Access to the Indio Yard is from Dr Carreon Boulevard, south of the yard boundary, which will require two new access routes, each approximately 24 feet in width (to Dr Carreon Boulevard), as shown on Figure 2. The proposed routes will require minor improvements including removal of vegetation and placement of rock.

3.1.3 Underground and Aboveground Activities

Electrical service is currently in place; no underground or aboveground activities are planned for the construction yard.

3.1.4 Activity Schedule

Construction of the yard would commence in mid-September 2011. The Indio Yard will take approximately 4 weeks to construct, and would remain in operation until project completion.

CPUC Evaluation of Pre-Construction Mitigation Implementation

All applicable project mitigation measures, APMs, compliance plans, and permit conditions shall be implemented. Some measures have on-going/time-sensitive requirements and are required to be implemented prior to and during construction where applicable. For biological resources, those additional conditions are discussed and defined in this section. The mitigation compliance table provided with the NTPR provides pre-construction compliance information for the other issue areas addressed by the DPV2 EIR/EIS.

Following the discussion of biological, cultural, land use, and paleontological resources, a list of bulleted conditions is presented to define additional information and clarifications regarding outstanding requirements. In some cases, these items exceed the requirements of the Mitigation Measures and Applicant Proposed Measures, and are based on specific site conditions. In these cases, the conditions will not also appear in the NTPR mitigation compliance table.

Biological Resources

This section presents a background for biological resources that occur, or could potentially occur, at the Indio Construction Yard project area. This summary of biological issues is based on information provided in the *Indio Construction Yard Biological Review* (September, 2011) and a field verification study conducted on September 16, 2011 by Aspen Environmental Group (Aspen).

Activities associated with construction of the yard would occur on approximately 8.25 acres of land that has been entirely disturbed due to past activities. Recently, the site has remained vacant allowing some invasive shrubs to become established within a matrix of vegetated areas and bare ground. The site is bordered by developed and landscaped land to the north, the side of a building to the west, developed and disturbed land to the south, and disturbed land to the east.

No jurisdictional waters or special-status plant or wildlife species were identified during the most recent habitat assessments, site surveys, and field verifications. Due to the level of disturbance that currently exists, the site is dominated by ruderal vegetation, which provides very little habitat value for most plant and wildlife species. However, the site possesses disturbed, sandy soils that provide marginally suitable habitat for two CNPS listed plants, Borrego milk-vetch (*Astragalus lentiginosus* var. *borreganus*) and Abrams' spurge (*Chamaesyce abramsiana*). Additionally, potential habitat for nesting birds occurs in the shrubs and trees located within and adjacent to the site and potential roosting habitat for bats is present in the palm trees just north of the site.

In accordance with Mitigation Measures provided in the Final EIR/EIS and APMs, a Qualified Biologist will conduct pre-construction surveys for biological resources, including sensitive plants, nesting birds and roosting bats, prior to the initiation of any activities associated with yard construction. Additionally, SCE will provide Qualified Biological Monitors throughout the duration of all construction activities. In the event that sensitive biological resources are discovered prior to or during construction activities, the Biological Monitor will establish appropriate buffers to avoid and/or minimize impacts. SCE will implement all other applicable Mitigation Measures of the Final EIR/EIS and APMs for biological resources that could occur in the Project area.

Vegetation Management. Due to the levels of disturbance and development at, and adjacent to the site, no native vegetation communities occur. Therefore, any activities associated with vegetation clearing are not expected to result in impacts to native vegetation communities and would be limited to ruderal plant species that currently dominate the site.

SCE is currently developing a Habitat Restoration/Compensation Plan (HRCPP) to address restoration of all areas disturbed by Project construction. Although the site is heavily disturbed, SCE is required to stabilize or restore the site in accordance with the current lease agreement. As such, SCE will be allowed to commence ground-disturbing activities associated with yard construction prior to the final approval of the HRCPP.

A Weed Control Plan is currently being prepared by SCE in compliance with Mitigation Measure B-2a of the Final EIR/EIS. The intent of this plan is to control the introduction and spread of non-native and invasive plant species in the Project area or adjacent habitats during the Project activity period. Yard construction activities may commence prior to the final approval of this plan by the CPUC provided SCE has completed preliminary baseline invasive and noxious weed inventories and implements standard weed control measures throughout the duration of activities.

Cultural Resources

Based on background research and a site visit, no known cultural resources were identified within the Indio Construction Yard.¹ However, in the absence of a Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project, all ground disturbing activities associated with construction of the Indio Construction Yard shall be monitored by a qualified professional archaeologist. In the event that a cultural resource discovery is made during site development, all ground disturbing activities must cease in the area of discovery until the Final HPMP is approved.

¹ DeCarlo, Matthew M. and Williams T. Eckhardt. 2011. Cultural Resources Inventory of Three Alternate Construction Yards and the Desert Center DC-2 Yard Distribution Alignment for the Southern California Edison (SCE) Devers-Palo Verde 2 (DPV2) Project, Riverside County, California.

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 Indio Construction Yard is low. In addition, ground disturbing activities associated with the Indio Construction Yard will be confined to clearing and removal of vegetation and fence installation. No site-specific NTP conditions are recommended with regard to paleontological resources.

Land Use and Sensitive Receptors

The Indio Yard is an approximate 8-acre privately-owned property located directly north of Dr Carreon Boulevard, east of Calhoun Street and south of Date Avenue, in the City of Indio. The 8-acre site has an adjacent concrete building wall (boat/RV storage facility) on the west side of the yard boundary and existing fence to the north of the yard. The water source, a fire hydrant, is located adjacent to the yard at the southwest corner. The site is located on vacant land in an area with light industrial, commercial, and suburban land uses; however, no residences are in the immediate vicinity.

Conditions of NTP Approval

The conditions presented below shall be met by SCE and its contractors:

1. All applicable project mitigation measures, APMs, compliance plans, and permit conditions shall be implemented. Some measures have on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable. The NTPR mitigation compliance table provides applicable pre- and during construction requirements. Bulleted items can be found below which provide additional information and clarifications to outstanding requirements.
2. Copies of all relevant permits, compliance plans, the subject NTPR, and this Notice to Proceed shall be available on site for the duration of construction activities.
3. Verification of noticing mailings including address lists, postings and newspaper postings, as required under Mitigation Measures L-1a, WR-1a, and WR-1b shall be submitted to the CPUC prior to construction.
4. All crew members shall be trained through a Worker Environmental Awareness Program (WEAP) prior to working on the project. A log shall be maintained onsite with the names of all crew personnel trained. For any crew members with limited English, a translator shall be onsite to ensure understanding of the training program. In place of a translator, the WEAP 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.
5. Prior to the initiation of any ground-disturbing activities, all work area boundaries associated with temporary and permanent disturbance shall be clearly staked, flagged, or marked. All workers shall strictly limit access and vehicles to the designated work limits. Removal of any perennial, native vegetation in work areas shall be avoided to the maximum extent practicable. Access to work areas in undisturbed habitat shall be achieved by crushing, instead of removal, to the maximum extent practicable.
6. SCE shall prepare a Noxious Weed Control Plan that will specify the location of existing weed populations, measures to control introduction and spread of noxious weeds in the Project area, worker training, specifications, and inspection procedures for construction materials and equipment used in the Project area. Yard construction activities may commence prior to final approval of this

plan by the CPUC provided SCE demonstrates documentation of baseline noxious weed inventories and implements standard weed control measures, as identified in Mitigation Measure B-2b.

7. SCE shall conduct pre-construction surveys for sensitive plant and wildlife species within fourteen (14) days prior to construction activities and within 100 feet of ground disturbing activities. If sensitive species are identified during surveys, SCE shall implement appropriate measures to avoid and/or minimize impacts during construction, including flagging of plant locations, establishing appropriate buffers, and/or relocation efforts. Prior to installation activities, the CPUC EM shall review and approve the survey results, and avoidance and disturbance flagging.
8. SCE shall conduct biological monitoring during all yard construction activities. The biological monitor shall look for sensitive wildlife that may be located within or immediately adjacent to the Project area. If sensitive species are found, the biological monitor shall relocate in accordance to the appropriate Final EIR/EIR Mitigation Measures and APMs.
9. In compliance with Mitigation Measure B-5a, pre-construction surveys for breeding birds shall be conducted by a CPUC approved biologist at least ten (10) days prior to construction (during nesting season) in areas within 500 feet of project limits. If federally or State listed birds with active nests are identified, a qualified biological monitor shall establish a 500-foot buffer around the nest and no activities will be allowed within the buffer until the young have fledged from the nest or the nest fails. A 300-foot buffer shall be implemented in the event that raptors or other species protected under the Migratory Bird Treaty Act (MBTA) are located. The biological monitor shall conduct regular monitoring of any identified nest to determine success/failure and to ensure that construction activities do not occur within established buffers until the nesting cycle is complete or the nest fails. There may be a reduction of these buffer zones depending on site-specific conditions or the existing ambient level of activity. SCE shall coordinate with CDFG and USFWS to determine the appropriate buffer zone.
10. In compliance with Mitigation Measure B-9h, SCE shall conduct pre-construction surveys for roosting bats in suitable habitat. If sensitive roosting sites are identified for sensitive bat species during surveys, than adjustments shall be made to avoid these sites.
11. "Survey sweeps", including those for nesting birds, will occur for biological resources immediately preceding and during project activities as part of required biological monitoring activities. Appropriate buffers shall be established as defined under Condition #9, above.
12. In the absence of a Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project, all ground disturbing activities associated with construction of the Indio Construction Yard shall be monitored by a qualified professional archaeologist. In the event that a cultural resource discovery is made during site development, all ground disturbing activities must cease in the area of discovery until the Final HPMP is approved.
13. The CPUC Environmental Monitor (EM) shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
14. If the application of water is needed to abate dust in construction areas and on dirt roads, SCE shall use the least amount needed to meet safety and air quality standards and prevent the formation of puddles, which could attract wildlife to construction sites.
15. SCE shall obtain required haul and ingress/egress and permits for any temporary lane closures from the County of Riverside or other jurisdictions as necessary. Copies of permits shall be submitted to the CPUC. If temporary lane closures are needed, SCE shall coordinate in advance with emergency service providers and shall provide documentation to the CPUC.

16. In regard to the Hazardous Substance Control and Emergency Response Plan, to fully satisfy the intent of Mitigation Measure P-1b, documentation of training for personnel who would be working near or handling hazardous materials shall be submitted to the CPUC for review after completion of these training activities. Only trained personnel shall be allowed to work near or to handle hazardous materials.
17. In accordance with Mitigation Measure P-1a, prior to project construction, documents prepared by the construction contractors should be submitted to the CPUC along with an acknowledgment that the SCE Certified Industrial Hygienist has reviewed and approved the documents to complete the submittals required for these measures. Documents that the construction contractor would be responsible for would include a hazardous materials inventory that will be used to prepare and/or modify the Hazardous Material Business Plan, documents providing SCE with the names and telephone numbers of persons responsible for the hazardous waste management, an Emergency Response Procedures document that follows SCE's emergency response procedures for the Project.
18. No movement or staging of construction vehicles or equipment shall be allowed outside of the approved areas. If additional temporary workspace areas or access routes, or changes in technique and mitigation implementation to a lesser level are required, a Variance Request, as defined in the Mitigation Monitoring, Compliance and Reporting Plan for this project shall be submitted for CPUC review.
19. No clearing or disturbance to vegetation shall occur outside of approved work areas.
20. If construction debris or spills enter into environmentally sensitive areas, appropriate jurisdictional agencies and the CPUC EM shall be notified immediately.

Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard

Billie Blanchard
CPUC Environmental Project Manager
Devers-Palo Verde No. 2 Transmission Project

cc: Mary Jo Borak, CPUC Supervisor
John Kalish, BLM Palm Spring South Coast Field Office
Vida Strong, Aspen Environmental Group
Jamie Miner, Aspen Environmental Group
Hedy Koczwarra, Aspen Environmental Group
Ryana Parker, Southern California Edison Company
Sheree James, Southern California Edison Company

Enclosures:

Compliance Table
Permit Table