

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



October 18, 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 Transmission Line Project – Variance Request #12

Dear Ms. Benz,

On October 13, 2011, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for parking/temporary staging vehicles along the existing disturbed access route at exclusionary fencing work areas within the Coachella Valley Preserve for 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 DPV2 Project on July 19, 2011. Subsequently, the BLM issued a Record of Decision approving the Red Bluff Substation as part of the Desert Sunlight Solar Farm Project on August 10, 2011. BLM approved exclusionary fencing activities on August 23, 2011 and issued Notices to Proceed for the Red Bluff Substation and overhead transmission line construction on BLM lands on September 19, 2011. The DPV2 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 temporary changes to the project 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,

and that no new impacts or increase in impact severity would result from the requested variance activities.

Variance #12, which approves the parking locations at the exclusionary fencing work area around Tower 2207 within the Coachella Valley Preserve, is granted by CPUC based on the factors described below.

**SCE Variance Request.** SCE has requested a variance for the exclusionary fencing activities identified in Notice to Proceed #2 for parking locations along the Colorado River-Devers segment (at Tower 2207 within the Coachella Valley Preserve). Excerpts from the SCE Variance Request, received October 13, 2011, are presented below (indented):

The exclusionary fencing activities identified in Notice to Proceed (NTP) #2 dated September 9, 2011 described activities including parking and staging. Because of the terrain and type of soil along towers within the Coachella Valley Preserve (Towers 2201 through 2208) parking along the existing access route and existing roads is required. Attached is the figure showing the proposed parking areas; Tower 2207 falls within the CPUC jurisdiction, and the remainder are BLM property.

### **CPUC Evaluation of Variance Request**

In accordance with the MMCRP, the subject variance request was reviewed by CPUC to confirm 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, noise/sensitive receptors, and other issue areas. A list of conditions is presented below to define additional information and clarifications regarding mitigation requirements. In some cases, these items exceed the requirements of the Mitigation Measures and Applicant Proposed Measures, and are based on specific site conditions and/or are proposed conditions by SCE.

**Biological Resources.** The CPUC Environmental Monitor (EM) performed a field check and reviewed the Variance Request regarding parking locations at Tower 2207 for exclusionary fencing activities. Based on previous field verification and review of the most recent biological resources surveys, no issues related to biological resources are anticipated as a result of this exclusionary fence parking variance.

All mitigation measures, APMs, and conditions of the Biological Opinion (BO) shall be implemented at the exclusionary fencing work and parking areas. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist, pre-construction clearance sweeps prior to any use of access roads, and maintaining speed limits.

**Cultural Resources.** Based on background research, no known cultural resources were identified near Tower 2207 and the adjacent access route within the Coachella Valley Preserve. No ground disturbing activities will be required. In the event of an unanticipated discovery of cultural materials along the access route, the find shall be managed in compliance with the procedures set forth in the draft Historic Properties Management Plan (HPMP).

**Noise/Sensitive Receptors.** There are no sensitive receptors in the immediate vicinity of Tower 2207 within the Coachella Valley Preserve that would be affected by parking vehicles along the existing access road. The level of noise related to construction activities would not change as a result of this variance.

**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 parking area along the existing access road is low. In addition, no ground disturbing activities will be required. Therefore, there are no specific paleontological resources conditions applicable to this variance.

**Other Issue Areas.** No concerns noted under this variance.

### **Conditions of Variance Approval**

The 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. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist, pre-construction clearance sweeps prior to any use of access roads, and maintaining speed limits.
2. Copies of all relevant permits, compliance plans, and this Variance approval shall be available on site for the duration of construction activities.
3. In the event of an unanticipated discovery of cultural materials along the access route, the find shall be managed in compliance with the procedures set forth in the draft Historic Properties Management Plan (HPMP).
4. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
5. 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  
CPUC Environmental Project Manager  
DPV2 Transmission Project

cc: Ryana Parker, Southern California Edison  
Sheree James, Southern California Edison  
Allison Shaffer, BLM Palm Springs-South Coast Field Office  
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