

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 19, 2012

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 #27

Dear Ms. Benz,

On February 23, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for 55 temporary disturbance area shifts for construction needs along 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 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 #27 for the shift of the 55 temporary disturbance areas is granted by CPUC for the proposed activities based on the factors described below.

SCE Variance Request. Due to final engineering, SCE has requested a variance for 55 temporary disturbance area shifts along the DPV2 transmission line. Excerpts from the SCE Variance Request, received February 23, 2012, are presented below (indented):

Subsequent to approval of the CRS to Red Bluff Transmission Line NTPR (NTP #8 dated December 1, 2011) by the California Public Utilities Commission (CPUC), final design was completed and it was identified that several tower site temporary disturbance areas shifted outside of the projected 200x200 disturbance area, as described below and shown in the attached map:

1. Tower 2616 – A portion moved approximately 20 feet south of the disturbance area
2. Tower 2617 – A portion moved approximately 20 feet south of the disturbance area
3. Tower 2618 – A portion moved approximately 20 feet south of the disturbance area
4. Tower 2619 – A portion moved approximately 20 feet south of the disturbance area
5. Tower 2620 – A portion moved approximately 20 feet south of the disturbance area
6. Tower 2621 – A portion moved approximately 20 feet south of the disturbance area
7. Tower 2622 – A portion moved approximately 20 feet south of the disturbance area
8. Tower 2623 – A portion moved approximately 20 feet south of the disturbance area
9. Tower 2624 – A portion moved approximately 20 feet south of the disturbance area
10. Tower 2625 – A portion moved approximately 20 feet south of the disturbance area
11. Tower 2628 – A portion moved approximately 20 feet south of the disturbance area
12. Tower 2630 – A portion moved approximately 20 feet south of the disturbance area
13. Tower 2631 – A portion moved approximately 20 feet south of the disturbance area

Subsequent to approval of the Devers to Red Bluff Transmission Line NTPR (NTP #9 dated December 2, 2011) by the CPUC, final design was completed and it was identified that several tower site temporary disturbance areas shifted outside of the projected 200x200 disturbance area, as described below and shown in the attached map:

14. Tower 2007 – The temporary work limit extends outside the disturbance area
15. Tower 2117 – The temporary work limit extends outside the disturbance area
16. Tower 2129 – The temporary work limit extends outside the disturbance area
17. Tower 2200 – The temporary work limit extends outside the disturbance area
18. Tower 2230AX – The temporary work limit extends outside the disturbance area
19. Tower 2231X – The temporary work limit extends outside the disturbance area
20. Tower 2233XX – The temporary work limit extends outside the disturbance area
21. Tower 2238X – The temporary work limit extends outside the disturbance area
22. Tower 2244 – The temporary work limit extends outside the disturbance area
23. Tower 2245X – The temporary work limit extends outside the disturbance area
24. Tower 2248 – The temporary work limit extends outside the disturbance area
25. Tower 2264 – The temporary work limit extends outside the disturbance area
26. Tower 2265ALTX – The temporary work limit extends outside the disturbance area
27. Tower 2325ALTX – The temporary work limit extends outside the disturbance area
28. Tower 2433 – The temporary work limit extends outside the disturbance area
29. Tower 2500 – The temporary work limit extends outside the disturbance area
30. Tower 2508 – The temporary work limit extends outside the disturbance area

Subsequent to approval of the Devers to Valley Transmission Line (Excluding the San Bernardino National Forest Portion) NTPR (NTP #10 dated December 2, 2011) by the California Public Utilities Commission (CPUC), final design was completed and it was identified that several tower site temporary disturbance areas shifted outside of the projected 200x200 disturbance area, as summarized below and shown in the attached figures:

31. Tower 1015 – A portion disturbance area/spur road moved approximately 20 feet north of the disturbance area
32. Tower 1024 – A portion disturbance area/spur road moved approximately 20 feet north of the disturbance area
33. Tower 1027 – A portion disturbance area moved approximately 5 feet west of the disturbance area
34. Tower 1054 – A portion disturbance area moved approximately 5 feet west of the disturbance area
35. Tower 1083 – A portion disturbance area moved approximately 5 feet northeast of the disturbance area
36. Tower 1084 – A portion disturbance area moved approximately 5 feet northeast of the disturbance area
37. Tower 1089 – A portion disturbance area moved approximately 5 feet northeast of the disturbance area
38. Tower 1090 – A portion disturbance area moved approximately 5 feet south of the disturbance area

39. Tower 1095 – A portion disturbance area moved approximately 5 feet south of the disturbance area
40. Tower 1098 – Disturbance area moved approximately 5 feet outward on all four sides
41. Tower 1099 – A portion disturbance area moved less than 5 feet east of the disturbance area
42. Tower 1114 – A portion disturbance area moved approximately 20 feet southeast of the disturbance area
43. Tower 1119 – A portion disturbance area/spur road moved approximately 40 feet southeast of the disturbance area and the disturbance area moved 5 feet west of the disturbance area
44. Tower 1120 – A portion disturbance area/spur road moved approximately 20 feet west of the disturbance area and the disturbance moved less than 5 feet southeast of the disturbance area
45. Tower 1121 – A portion the disturbance moved less than 5 feet southeast of the disturbance area
46. Tower 1134 – A portion the disturbance moved approximately 15 feet northwest of the disturbance area
47. Tower 1135 – A portion the disturbance moved approximately 10 feet southwest of the disturbance area
48. Tower 1137 – A portion the disturbance moved approximately 15 feet northwest and northeast of the disturbance area
49. Tower 1138 – A portion the disturbance moved approximately 10 feet west and northeast of the disturbance area
50. Tower 1139 – A portion the disturbance moved approximately 15 feet north of the disturbance area
51. Tower 1148 – A portion the disturbance moved approximately 5 feet west of the disturbance area
52. Tower 1151 – A portion the disturbance moved approximately 5 feet west of the disturbance area
53. Tower 1152 – A portion the spur road/disturbance moved approximately 25 feet northwest of the disturbance area
54. Tower 1153 – A portion the disturbance moved approximately 10 feet south of the disturbance area
55. Tower 1154 – A portion the disturbance moved approximately 5 feet southwest of the disturbance area

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, 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. Based on field validation, previous biological surveys and SCE's biological report, the disturbance area modifications would result in minor acreage changes to the temporary and permanent disturbance acreage calculations for special-status species habitat. All but one of the modification sites fall within areas previously surveyed for the project.

As described in the mitigation compliance conditions below, all disturbance areas shall be clearly delineated and marked prior to any ground disturbance associated with the modified disturbance areas. Additionally, SCE shall provide updated maps showing the new disturbance limits to the CPUC EMs and all monitors in the field prior to construction in the revised areas at the affected tower sites.

All mitigation measures, APMs, and conditions of the Biological Opinion (BO) should be implemented at the sites. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist, pre-construction clearance sweeps, and maintaining speed limits. There are no other biological resources concerns noted under this variance.

Cultural Resources. The Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project was accepted on October 20, 2011. Three cultural resources sites were identified (P-33-012278; prehistoric bedrock milling site, P-33-017763; historic refuse scatter, and P-33-014943; prehistoric petroglyphs and rock shelter) within 50 feet of the proposed shift in disturbance areas to towers. However, the new disturbance areas do not affect the management measures that are required at these towers per the DPV2 HPMP. Therefore, the conditions provided in NTP #8, NTP #9, and NTP#10 will apply to this variance request and the following cultural resources management measures are required during construction activities:

Site Number	NRHP ¹ Eligibility	Proposed Mitigation
P-33-014943	Not Evaluated	ESA ² fencing and monitor avoidance
P-33-012278	Not Evaluated	No Grading signs and monitor avoidance
P-33-017763	Recommended ineligible; site was evaluated during testing for DPV2	Monitor construction

¹ NRHP = National Register of Historic Places, ² ESA = Environmentally Sensitive Area

Paleontological Resources. Based on the Paleontological Monitoring and Treatment Plan (Plan; CH2M Hill 2011), submitted to the CPUC on April 20, 2011, the potential to encounter paleontological resources within or near the areas defined in this variance request varies from low to high. However, the movement of the disturbance area approximately 5 to 40 feet does not affect the level of sensitivity for paleontological resources, and the conditions provided in NTP #8, NTP #9, and NTP #10 will apply to this variance.

Noise/Sensitive Receptors. The modified disturbance areas would have similar noise-generating activities to those that will occur at the 55 tower sites already and the movement of the disturbance area approximately 5 to 40 feet would not change the level of noise. 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. All disturbance areas shall be clearly delineated and marked prior to any ground disturbance associated with the modified disturbance areas.
4. SCE shall provide updated maps showing the new disturbance limits to the CPUC EMs and all monitors in the field prior to construction in the revised areas at the affected tower sites. Updated maps can be provided prior to construction by tower location (s).
5. The following cultural resources management measures are required during construction activities at the following three cultural sites: (1) P-33-014943 (ESA fencing and monitor avoidance); (2) P-33-012278 (No Grading signs and monitor avoidance); and (3) P-33-017763 (Monitor construction).
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

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Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard

Billie Blanchard
CPUC Environmental Project Manager
DPV2 Transmission Project

cc: Ryana Parker, Southern California Edison
Patty Nevins, Southern California Edison
Sylvia Granados, Southern California Edison
Vida Strong, Aspen Environmental Group
Hedy Koczwarra, Aspen Environmental Group
Jamison Miner, Aspen Environmental Group
Jenny Slaughter, Aspen Environmental Group
Rosina Gallego, Aspen Environmental Group
Ryann Loomis, Aspen Environmental Group