

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



December 5, 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 #54

Dear Ms. Benz,

On December 3, 2012, Southern California Edison (SCE) submitted a revised variance request to the California Public Utilities Commission (CPUC) for pull site modifications to Towers 1051 to 1061 (Pull Plan Package 1) for transmission line construction needs 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 #54, which approves the subject pull site revisions, 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 pull site modifications to Towers 1051 to 1061 required for conductor stringing. Excerpts from the SCE Variance Request, received on December 3, 2012 are presented below (indented):

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), constructability review was completed including review of conductor reel lengths, tower heights, major road crossings, existing transmission line crossings, access points and NTP approved guard pole/reel sites and several changes to temporary disturbance areas for conductor stringing were identified as being needed as well as numerous locations were identified as not being required for construction, as described below and shown in the attached figures: *[in SCE's NTPR]*.

#	Site	Change to NTP Approved Disturbance Area Summary	Ownership
1	DV Wire Site No 13	Shift disturbance area in line with DPV2 alignment	Private
2	DV-GS32A	Disturbance area is not needed ("Give Back")	Private
3	DV Pull Site No 12	Shift disturbance area in line with DPV2 alignment	Private
4	DV-GS33A	Expand guard structure to a width of 35 feet and reduce length to maintain overall disturbance area	Private
5	DV-GS33B	Expand guard structure to a width of 35 feet and reduce length to maintain overall disturbance area	Private
6	Access Rd to DV-GS34	Existing disturbed access road needed to gain access to guard structure	Private
7	DV-GS34	Expand guard structure to a width of 35 feet and reduce length to maintain overall disturbance area	Private
8	DV-GS35	Expand guard structure to a width of 35 feet and reduce length to maintain overall disturbance area	Private
9	DV Pull Site No 15	Disturbance area is not needed ("Give Back")	Private
10	DV-GS36	Disturbance area is not needed ("Give Back")	Private
11	DV Pull Site No 14	Disturbance area is not needed ("Give Back")	Private
12	Access Rd to DV-GS37	Existing disturbed access road needed to gain access to guard structures	Private
13	DV-GS37	Expand guard structure to a width of 35 feet and reduce length to maintain overall disturbance area	Private
14	DV-GS38	Expand guard structure to a width of 35 feet and reduce length to maintain overall disturbance area	Private
15	Access Rd to DV-GS38	Existing disturbed access road needed to gain access to guard structure	Private
16	DV-GS39	Expand guard structure to a width of 35 feet and reduce length to maintain overall disturbance area	Private
17	DV Pull Site No 17	Disturbance area is not needed ("Give Back")	Private
18	DV Pull Site No 16	Disturbance area is not needed ("Give Back")	Private
19	DV-GS40	Expand guard structure to a width of 35 feet and reduce length to maintain overall disturbance area, shift location	Private
20	Access Rd to DV-GS40	Existing disturbed access road needed to gain access to guard structure	Private
21	DV-GS41	Expand guard structure to a width of 35 feet and reduce length to maintain overall disturbance area, shift location	Private

CPUC Evaluation of Variance Request

In accordance with the MMCRP, 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. Implementation of the proposed D-V pull site revisions would result in an overall decreased in impacts to modeled desert tortoise habitat (1.72 acres) and Coachella Valley milk-vetch habitat (1.82 acres) and an increase in impacts to special-status vegetation communities California joint fir scrub and creosote brush scrub (0.18 and 0.10 acres, respectively). Because 14 of the 21 sites are located in desert tortoise habitat, pre-construction desert tortoise clearance surveys shall be conducted by an Authorized Biologist immediately prior to construction activities within a 100 percent coverage area of all desert tortoise habitat (modeled, critical, and/or occupied) that will be subject to temporary and permanent disturbance. No jurisdictional waters would be impacted.

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. Habitat restoration activities for temporary disturbance areas are described in 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 provide updated construction and biological resources constraints maps showing the revised pull sites to the CPUC EMs and all monitors in the field prior to construction activities at the subject sites. All mitigation measures, APMs, and conditions of the Biological Opinion (BO), shall be implemented. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist and pre-construction clearance sweeps.

Cultural Resources. Based on background research, no cultural resources were identified within or immediately adjacent to the 21 pull site revisions (Pull Site Package 1) near Towers 1061 to 1051. Therefore, there are no specific cultural resources conditions applicable to this variance.

Paleontological Resources. Based on the Paleontological Monitoring and Treatment Plan (Plan), submitted to the California Public Utilities Commission on April 20, 2011, the potential to encounter paleontological resources within the identified pull site revisions (Pull Site Package 1) is low. Therefore, in accordance with the Plan, low sensitivity units must be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.

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 few sensitive receptors in the vicinity of the revised pull sites located on privately-owned land. Use of the revised sites would have similar noise-generating activities to those that will occur along the existing access and at the 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 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. Pre-construction surveys shall be conducted, as applicable, and all disturbance areas shall be clearly delineated and marked prior to any ground disturbance associated with the use of the proposed pull sites and results would be submitted to the CPUC's EM for validation.
4. Pre-construction desert tortoise clearance surveys shall be conducted by an Authorized Biologist immediately prior to construction activities within a 100 percent coverage area of all desert tortoise habitat (modeled, critical, and/or occupied) that will be subject to temporary and permanent disturbance.
5. SCE shall provide updated construction and biological resources constraints maps showing the new and revised disturbance areas to the CPUC EMs and all monitors in the field prior to use. Updated maps can be provided prior to construction by tower location (s).
6. In accordance with the Paleontological Monitoring and Treatment Plan, SCE shall monitor low sensitivity units, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.
7. 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).
8. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
9. 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 Koczwara, Aspen Environmental Group
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