

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 23, 2012

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 #61

Dear Mr. Ahmet,

On January 18, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for use of Gravel Pit Road for access to pole installation locations east of Tower M123-T1 along the Southeast Telecommunication Route 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 #61, which approves the subject use of Gravel Pit Road, is granted by CPUC for the proposed activities based on the factors described below.

SCE Variance Request. SCE has requested a variance for use of Gravel Pit Road for access to pole installation locations east of Tower M123-T1 along the Southeast Telecommunication Route. Excerpts from the SCE Variance Request, received on January 18, 2013 are presented below (indented):

Action Required. SCE requests a variance to authorize the use of Gravel Pit Road to access the pole installation locations east of Transmission Line Tower No. M123-T1, during the construction of the Southeast Telecommunication Route.

Please see revised Figures 2-249 through 251 attached [to SCE's Variance Request].

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. 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. Gravel Pit Road is an existing unpaved road. Land adjacent to the access route is characterized by creosote bush scrub and creosote bush-white bursage scrub vegetation communities. According to SCE's variance request, several special-status species have the potential to utilize land adjacent to the access route, including but not limited to, desert tortoise (*Gopherus agassizii*), Mojave fringe-toed lizard (*Uma scoparia*), burrowing owl (*Athene cunicularia*), ferruginous hawk (*Buteo regalis*), Swainson's hawk (*Buteo swainsoni*), northern harrier (*Circus cyaneus*), loggerhead shrike (*Lanius ludovicianus*), Leconte's thrasher (*Toxostoma lecontei*), and desert kit fox (*Vulpes macrotis arsipus*). However, the access route is not located within critical or modeled habitat for any special-status species.

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 additional work area 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. This includes, but is not limited to providing a qualified USFWS, CPUC, and BLM approved tortoise biologist and pre-construction clearance sweeps.

Cultural Resources. The Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project was accepted on October 20, 2011. One cultural resources site (P-33-014204) was identified within Gravel Pit Road. In accordance with the Final HPMP, the following proposed mitigation is required during the use of Gravel Pit Road for the construction of the CRS Southeast Telecommunication Route:

Proposed Mitigation for Cultural Resources Sites Identified on Private Property within the CRS Southeast Telecommunication Line APE (n=14)			
Site Designation	NRHP* Eligibility	Land Ownership	Proposed Mitigation
P-33-014204	Recommend ineligible; portion of the site within the APE was evaluated for DPV2	Private & BLM	No Grading signs
* NRHP = National Register of Historic Places			

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 Gravel Pit Road is low. In addition, there will be minimal disturbance to the existing road. There are no paleontological resources concerns with this variance.

Noise/Sensitive Receptors. Gravel Pit Road is an existing unpaved road surrounded primarily by agricultural land uses. Use of the access road would have similar noise-generating activities to those that will occur along the existing telecommunications route and access roads. Appropriate noise, air quality, 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. SCE shall provide updated maps showing the new approved access route to the CPUC EMs and all monitors in the field prior to use of the subject road. All workers shall strictly limit access and vehicles to the designated work limits.
4. In accordance with the Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project, No Grading signs shall be installed in the vicinity of P-33-014204.
5. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
6. 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.

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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

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