

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

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 #74

Dear Mr. Ahmet,

On March 22, 2013, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for modifications to 30 disturbance areas for transmission line construction needs from Towers 1143 to 1157 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 #74, which approves the subject modifications, 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 disturbance modifications required based on a constructability review. Excerpts from the SCE Variance Request, received on March 22, 2013, 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 Variance Request]:

Pull #	Site	Change in Project Component Boundary	Ownership
115/116	1 DV Pull Site No 46A	Add Pull Site needed to conduct wire pulling activities	Private
116	2 DV-GS87A	Add Guard Structure to protect distribution line	Private
116	3 Access Rd To DV-GS87A	Add to gain access to Guard Structure disturbance area	Private
116	4 DV-GS87	Expand to a width of 35 ft and shift to protect distribution line	Private
116	5 DV-GS88	Expand to a width of 35 ft to allow for guard pole installation	Private
116	6 DV Implosive Splice Site No 18	Shift site northeast; Adjust site disturbance area to 90 ft x 110 ft	Private
116	7 Access Rd DV Implosive Splice Site No 18	Add pre-existing road to gain access to Splice Site	Private
116	8 DV-GS89A	Expand to a width of 35 ft to allow for guard pole installation	Private
116	9 DV-GS89B	Expand to a width of 35 ft to allow for guard pole installation	Private
116	10 Access Rd to DV-GS89B	Add to gain access to Guard Structure	Private
116	11 DV-GS90	Expand to a width of 35 ft and shift to protect distribution line	Private
116	12 DV-GS091	Expand to a width of 35 ft and shift to protect distribution line	Private
116	13 DV Splice Site No 19	Add Splice Site needed to conduct wire splicing activities	Private
116	14 DV Alternate Wire Site No 48/49	Area not needed ("Giveback")	Private
116	15 DV-GS92	Expand to a width of 35 ft and shift to protect distribution line	Private
116	16 DV-GS92A	Add to protect distribution line	Private
116	17 DV-GS93	Expand to a width of 35 ft and shift to protect distribution line	Private
116	18 DV-GS94	Expand to a width of 35 ft and shift to protect distribution line	Private
116	19 DV-GS95	Expand to a width of 35 ft and shift to protect distribution line	Private
116	20 DV-GS96	Expand to a width of 35 ft to allow for guard pole installation	Private
117	21 DV Wire Site No 49/ Splice Site No 19	Rotate disturbance area in line with DPV2 and shift northwest	Private
116	22 DV Wire Site No 48	Rotate disturbance area in line with DPV2 to avoid DPV1 distribution line	Private
117	23 DV-GS97	Expand to a width of 35 ft and shift to protect distribution line	Private
117	24 DV-GS97A	Add Guard Structure to box in distribution line	Private
117	25 DV-GS98	Expand to a width of 35 ft and shift to protect distribution line	Private
117	26 DV-GS99	Area not needed ("Giveback")	Private

Pull #	Site	Change in Project Component Boundary	Ownership
117 27	DV-GS100	Expand to a width of 50 ft to protect distribution lines and protect road	Private
117 28	DV-GS101	Expand to a width of 60 ft to protect distribution lines and protect road	Private
117 29	DV Pull Site No 51	Add to provide a disturbance area to pull and sag towers 1156/1157	Private
117 30	DV Pull Site No 52	Add to provide a disturbance area to pull through the rack in the Valley Substation	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. As describes in SCE’s biological review memo (dated March 21, 2013), implementation of the 30 proposed shifts, reductions, additions, and expansions of wire sites and associated features along Devers-Valley would result in 0.2916 acre of increased temporary impacts to potential California gnatcatcher habitat, 0.0157 acre of decreased impacts to jurisdictional waters, and 0.5391 acre of increased impacts to the special-status Riversidean sage scrub vegetation community. In its variance request, SCE recommends that a permitted California gnatcatcher biologist conduct surveys at DV-GS97A and Access Rd To DV-GS87A prior to use.

SCE shall stake the limits of the access road to DV-GS89B and to DV Implosive Splice Site No 18, since these sites have not yet been staked in the field. Therefore, prior to the CPUC’s preconstruction site validation, SCE should confirm that all the staking is complete for the sites included under this Variance #74.

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 116-117 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.

Cultural Resources. The Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project was accepted on October 20, 2011. No cultural resources were identified within or immediately adjacent to the 30 requested pull site modifications for Pull 116 and 117. In the event of an unanticipated discovery of cultural materials, the find shall be managed in compliance with the following procedures provided in *Section 4.4 - Plan of Discovery of Cultural Resources* of the approved HPMP as itemized below:

- All work within 200 feet of the discovery will be halted and the onsite Archaeological Field Monitor will evaluate the discovery.

- The Environmental Monitor will notify the Lead Archaeological Monitor, Consultant Project Manager (CPM), Work Package Archaeologist(s) (WPA), or SCE Archaeologist (in that order) immediately.
- Activities within 200 feet of the discovery will not resume until the discovery has been assessed by a member of the Cultural Resources Team.

Paleontological Resources. Based on the Paleontological Monitoring and Treatment Plan (PMTP), submitted to the California Public Utilities Commission on April 20, 2011, there is no potential to encounter paleontological resources at the pull site modifications near Towers 1143 to 1149. The potential to encounter paleontological resources within the remaining requested pull site modifications varies from low (Tower 1157) to moderate (Towers 1150 to 1156). Therefore, in accordance with the PMTP, moderate sensitivity units will require spot-check monitoring and low sensitivity units will 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 several sensitive receptors in the immediate vicinity of the revised disturbance areas 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 roads 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 revised sites and results would be submitted to the CPUC's EM for validation.
4. 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).
5. SCE shall stake the limits of the access road to DV-GS89B and to DV Implosive Splice Site No 18, since these sites have not yet been in the field. SCE shall confirm that all the staking is complete for the sites included under Variance #74 prior to the CPUC's preconstruction site validation.
6. A permitted California gnatcatcher biologist shall conduct surveys at DV-GS97A and Access Rd To DV-GS87A prior to use.

7. In accordance with the PMTP, SCE shall perform spot-check monitoring of pull site modifications within moderate sensitivity units (Towers 1150 to 1156), and low sensitivity units shall be monitored intermittently (Tower 1157) to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.
8. 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).
9. In the event of an unanticipated discovery of cultural materials, the find shall be managed in compliance with the following procedures provided in Section 4.4 - Plan of Discovery of Cultural Resources of the approved Historic Properties Management Plan as itemized below:
 - All work within 200 feet of the discovery shall be halted and the onsite Archaeological Field Monitor shall evaluate the discovery.
 - The Environmental Monitor shall notify the Lead Archaeological Monitor, Consultant Project Manager (CPM), Work Package Archaeologist(s) (WPA), or SCE Archaeologist (in that order) immediately.
 - Activities within 200 feet of the discovery shall not resume until the discovery has been assessed by a member of the Cultural Resources Team.
10. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
11. 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 Koczwar, Aspen Environmental Group
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