

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

September 29, 2008

Donald Johnson
Project Manager
Southern California Edison
2131 Walnut Grove Ave.
Rosemead, C 911770

RE: SCE Antelope-Pardee 500 kV Transmission Project, Segment 1 – Variance Request #15

Dear Mr. Johnson,

On September 19, Southern Californian Edison (SCE) submitted Variance Request #15 requesting a variance from the road work originally proposed for the Reitano Property on Segment 1, Section 3; specifically disturbance maps Sheets 53 and 54 approved previously by the CPUC as part of NTP #10. **This Variance Request is approved by CPUC for the proposed activities based on the following factors:**

- Revisions to the work plan are presented in the following excerpt from an agreement made between Roger Reitano and Southern California Edison as part of the final outcome of condemnation proceedings.

Work outside of the disturbance area on the original maps

1. Widening of the main driveway from Elizabeth Lake Road south to the Reitano barns and corrals. This road was previously depicted on 1:200 project disturbance maps for Segment 1 as unimproved, but under this variance will be widened an additional 12 feet to accommodate two-way traffic, and graveled with a D1 road base gravel. The widened area is depicted as a new, temporary road on Map Sheet 54.
2. Installation of a metal plate o the driveway where it crosses Armagosa Creek over four 24 inch by 30 foot-long culverts. The landowner has requested the placement of an 8 foot by 12 foot steel trench plate anchored to the roadbed to prevent the road from caving under heavy equipment. There would be no incursions into the creek channel or banks.
3. Replacement of the corral fence and installation of new gates west of the main driveway and south of Armagosa Creek. Mr. Reitano has requested that the portion of the original access road shown in green on Map Sheet 54 not be used at the point where it passes between his barns and outbuildings. To allow access to the ROW, a new access road will be built to go around the west side of the buildings. The road will extend through what is currently a cattle corral next to the creek, necessitating that a portion of the corral fence (approximately 100 feet in length) that now parallels the main access road will be pulled up and reset about 20 feet west. Three Powder River-style steel panel gates at least 16 feet wide will be installed on the south end of the corral and across the main driveway.
4. Construction of a new access road from the corral to the existing ROW. As noted in (3), the new access road would leave the current driveway on the west side and cut northwest through the existing corrals, make a wide turn to the east to rejoin the main driveway, cross under the 66 kV line, then swing back south to rejoin the ROW. About 100 feet of the new road would cross a barbed wire fence through a new, 16-foot gate which PAR will install, and go up to W/O Tower

20/8. Although portions of this road will rejoin the main driveway where it turns east, it is depicted as a new, temporary road on Map Sheet 53.

5. A new marshalling yard will be established in the northernmost field adjacent to Elizabeth Lake Road, a request for which is being submitted separately. Access to the ROW, Tower 92, W/O 66 kV Towers No. 21/1 and 21/2 and the guard structure South of Elizabeth Lake Road, will still be as shown on the original access road plan/disturbance area maps, although it will now pass through the yard.

Changes to the workplan within the original disturbance area

1. None of the roads shown on the disturbance maps that fall east of the ROW may be used.
 - PAR will not use the access road shown in green from the Right-of-Way (ROW) between Towers No. 91 and 92 east past the Reitano house, but will instead use the new road proposed in the previous section.
 - Access to 66 kV W/O 20/4 will be from the access road to the west of the ROW, and not from the east as was shown on original map sheet 51. This road will require rehabilitation and brush clearing. A small equipment turnaround area will be required South of W/O 20/4. Minimum ground disturbance will be required at this site as it is at the head of a major spring on the Reitano property. Mr. Reitano agreed to cutting off the old foundations at this site at ground level.
 3. PAR will be allowed to remove existing W/O 66 kV Towers 20/3 to 20/8 with a helicopter and lay them down at Towers 21/1 and 21/2 in the proposed marshalling yard in the field adjacent to Elizabeth Lake Road.
 4. Mr. Reitano requested that tower components below the waist for three (3) W/O 66 kV Towers be left for his use. PAR will break each tower component down into two sections.
 5. Footings on W/O Towers No. 21/1 and 21/2 in the farm field are to be completely removed. All other W/O Tower footings can be cut off 2 feet below grade with the exception of 20/4 which can be cut off at ground level.
 6. PAR agreed that it will not allow vehicle access across wetland between Towers No. 91 and 92. The access road shown on the access road plan will be deleted.
- A focused biological field survey was conducted along the proposed new access roads requested under this variance on September 3rd and 9th of 2008 by Burns & McDonnell and BioResources biologists. In addition, the south end of the new access road where it rejoins the ROW was already surveyed in May 2008 by LSA Associates. These surveys focused on biological issues as described in the mitigation measures of the Final EIR/EIS. No target special interest wildlife species were observed during the September 2008 surveys except for several populations of Peirson's morning glory (*Calystegia peirsonii*), a CNPS List 4 species. No active bird nests were present in the area.
 - According to the Burns & McDonnell biological report dated September 10, 2008:

The main driveway passes between previously plowed fields (within one year) characterized by crop stubble and ruderal vegetation, although the east side was more recently disced to provide a running route for a high school cross country meet. The fields end about 50 feet from the banks of Armagosa Creek, which was not running at the time of the surveys although a large stagnant pool remained on the west side of the road crossing. The cattle corral is located on the south bank of the creek within an intact though heavily grazed riparian zone of about 50 feet on either side of the creek at the road crossing. This area is dominated by a few scattered cottonwood trees (*Populus fremontii*), salt grass

(*Distichlis spicata*), heliotrope (*Heliotropium curassavicum*), and other grasses. Areas along the fence lines, in the unplowed areas outside of the corral, and around the buildings are characterized by a mix of ruderal, native vegetation and non-native weeds, including short-pod mustard (*Hirschfeldia incana*), common sunflower (*Helianthus annuus*), dove weed (*Eremocarpus setigerus*), and jimson weed (*Datura wrightii*).

The corral is located at the terminus of a dry, sandy wash, and most of the ground behind the barns and beyond the corral is devoid of vegetation. The proposed access road will pass southwest through the corral and enter a previously plowed field. Within the field, the road swings east to cross back over the wash in an area that appears to have been used as a crossing site for farm equipment. The crossing is approximately 20 feet long and 15 feet wide, and is delineated on both sides by broken concrete. At the crossing point there is no riparian vegetation, nor any evidence of bed or bank, although banks appear about 100 feet further upstream. Downstream, the wash passes under the corral fence and spreads out with no distinct channel to Armagosa Creek. Since the crossing is characterized by deep sand, the contractor has proposed laying wood mats out to prevent sinking. This activity does not affect an area of the channel that has a defined bed and bank, nor will it impact riparian vegetation. Therefore, augmentation of the existing crossing should not require a streambed alteration agreement from the California Department of Fish and Game. Nevertheless, a CDFG biologist will be consulted prior to construction.

The rest of the access road either traverses previously plowed fields with scattered, ruderal vegetation including turkey mullein, tarweed (*Hemizonia* sp.), and crop stubble, or follows the main driveway as it turns east. After re-entering the ROW, the new road will turn south to cross a barbed wire fence that separates the plowed field from mixed chaparral and scrub. Habitat along the 100 feet between the fence and W/O 20-8 is characterized by California buckwheat (*Eriogonum fasciculatum*), rabbit brush (*Chrysothamnus nauseosum*), and big sagebrush (*Artemisia tridentata*). Four populations of Peirson's morning glory, amounting to over 30 plants, are associated with the buckwheat on and adjacent to the proposed road alignment. These populations were also identified and mapped during ROW surveys performed by LSA Associates in May 2008.

To minimize or avoid impacts to Peirson's morning glory, a biological monitor will assist the road crew in choosing a route to W/O 20-8. A monitor will also be present periodically in this area during the activity covered under this variance request to help minimize impacts to biological resources. Temporary access and use of the area around this portion of the Reitano property are not anticipated to create significant impacts on biological resources.

- In an email dated September 5, 2008, Adam Sriro, SCE Archaeologist, stated that "Based on prior records search data and field survey results for the variance locations on the Reitano property, there will be no effect to known cultural resources. No further archaeological study is required at this time." No impacts to cultural resources are anticipated.

The conditions noted below shall be met by SCE and its contractors:

- All project mitigation measures, compliance plans, and permit conditions shall be implemented during construction activities. Some measures are on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable.
- Copies of all relevant permits, compliance plans, and this Variance shall be available on site for the duration of construction activities.

- SCE has assigned Biological Monitors to the Project. They are responsible for ensuring that impacts to special-status species, native vegetation, wildlife habitat, or unique resources are minimized to the fullest extent possible. The Biological Monitor shall be on-site to monitor all work and shall conduct sweeps of the approved areas which will be impacted. If breeding birds with active nests are found, a biological monitor shall establish a 300-foot buffer around the nest and no activities will be allowed within the buffer until the young have fledged from the nest or the nest fails. The 300-foot buffer may be adjusted to reflect existing conditions including ambient noise and disturbance only with the approval of the CDFG and/or USFWS (Please note that the CPUC must be notified prior to the onset of construction). The biological monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer until the nesting cycle is complete or the nest fails. If nesting birds move into the work area SCE will monitor the nest to ensure that their activities do not result in the loss or failure of the nest. A preliminary 300-foot buffer area around the nest will be established and SCE shall coordinate with the CPUC, CDFG and/or USFWS.
- All woodrat middens shall be mapped on disturbance maps and avoided. If avoidance cannot be accomplished, CDFG shall be consulted regarding how to proceed.
- Prior to roadway preparation, SCE shall flag all Peirson's morning glory present within and adjacent to the proposed roadway alignment. SCE's biological monitors shall work with construction crews to minimize impacts to Peirson's morning glory in consultation with CDFG.
- After use, all areas proposed under this Variance shall be completely restored to preexisting conditions following the construction activities.
- Prior to the commencement of construction activities, all crew personnel including crane, haul truck and concrete truck drivers shall be appropriately WEAP trained on environmental issues including protocols for air quality, hazardous materials, biological resources, known and unanticipated cultural materials, as well as SWPPP BMPs. A log shall be maintained on-site with the names of all crew personnel trained.
- All work boundaries shall be flagged prior to construction. No movement or staging of construction vehicles or equipment shall be allowed outside of the approved areas.

Sincerely,

John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen