

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

August 12, 2009

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

RE: SCE Antelope Transmission Project (TRTP), Segment 3B, Notice to Proceed (NTP # 23)

Dear Mr. Johnson,

Southern Californian Edison (SCE) has requested authorization from the California Public Utilities Commission (CPUC) to utilize a material and storage yard referred to as the Oak Creek Energy Laydown Yard located in Segment 3B of the SCE Antelope Transmission Project along Tehachapi Willow Springs Road in an unincorporated area of Kern County, California.

The SCE Antelope 500 kV Transmission Project (Project) was evaluated in accordance with the California Environmental Quality Act and a Certification of Public Convenience and Necessity (CPCN) was granted by CPUC Docket #A.04-12-008, SCH #2006041160 on March 15, 2007. **NTP # 23 is granted by CPUC for the proposed activities based on the following factors:**

- SCE submitted the following information:

SCE is requesting to utilize a material and storage yard referred to as the Oak Creek Energy Laydown Yard located in Segment 3B of the SCE Antelope Transmission Project along Tehachapi Willow Springs Road in an unincorporated area of Kern County. The proposed yard is on property owned by Oak Creek Energy Systems, Inc. that will be leased to support construction of Segment 3B of the Antelope-Tehachapi 500 kV and 220 kV Transmission Project.

The proposed yard is a 32.65 acre area within a 132 acre parcel (APN 23753036) located adjacent and to the east side of Tehachapi Willow Springs Road, at the intersection with Cabrine Trail, and approximately 1 mile south of Oak Creek Road. The proposed yard is directly across the street from the Oak Creek Energy Systems, Inc. main office at 14633 Tehachapi Willow Springs Road, Mojave, California, 93501, but is otherwise in a relatively undeveloped area within the Tehachapi Wind Resource Area. The elevation of the proposed yard is approximately 4,100 feet. The proposed yard will be used from August 2009 until the end of 2010.

There are no residences within the vicinity of the proposed yard. Besides the Oak Creek Energy Systems, Inc. main offices across the street, the next nearest business is California Portland Cement Company located approximately 2.5 miles northeast of the proposed yard. The remaining surrounding land is vacant with the exception of more wind turbines, access roads, and storage buildings.

The 32.65 acre proposed yard is bow-shaped and has been divided into two areas. The "primary use area" occurs on the west side of the property and will be used as the primary location for storage of material and equipment. The "secondary use area" occurs on the east side of the property and will only be used if more space is needed. Chain link fencing will be erected around the perimeter of the primary and secondary use areas to protect material and equipment.

Activities and items that will possibly be present or active at the proposed yard throughout the duration of the project include office trailers, vehicle parking, equipment storage, spill kit storage, fire equipment storage, wire storage, roll-off trash container, portable toilets, steel stub angles, rebar and rebar cages, setup, form cans and associated foundation items, fueling from saddle tanks and fuel trucks, welding and torch work and helicopter use and support. Welding and torch work activities are limited to emergency and mechanical needs only. Open flame activities that may be performed on this property will have a water truck and fire watch present at all times.

Guidelines and regulations established by the general Storm Water Pollution Prevention Plan (SWPPP) will be implemented at all times during the use and occupation of the proposed yard. Implementation of all necessary erosion control devices will be properly installed and maintained throughout the duration of yard use. A copy of the SWPPP will be available on-site for reference.

The Fugitive Dust Emission Control Plan (FDECP, Mitigation Measure A-1a) submitted to the CPUC and approved on June 25, 2008 addressed specific measures that will be implemented to control dust generated during clearing and grading of the proposed yard and by vehicle and equipment usage.

The proposed yard contains unpaved open space with undisturbed vegetation. There are numerous existing dirt roads on site which allow access to the wind turbines and associated facilities. There is also a graded area that has been utilized for storage on the western portion of the site within the primary use area. Use of the proposed yard will require brush clearing and removal within the primary and secondary use areas in accordance with the Vegetation Management Plan (Segment 2-3 Mitigation Measures V-1c, APM VIS-1). The property owner has requested that no Joshua trees (*Yucca brevifolia*) be impacted by use of the property. Loss of junipers and Joshua trees will require mitigation as per Segment 2-3 Mitigation Measures B-4a and B-4b. A biological monitor will be present for the brush clearing and removal activities within the proposed yard.

The primary use area is relatively flat and will not require any substantial blade work beyond the smoothing of ruts and the placement of gravel. Use of the secondary use area is anticipated to be minimal and would employ drive and crush methods. If blade work for safety purposes does prove necessary, a site specific plan will be created and approved prior to work. No additional access roads will be necessary.

Use of the proposed yard could result in the removal of approximately 16.5 acres of native California Juniper woodland and Joshua tree woodland habitat (8.2 acres in primary use area and 8.2 acres in secondary use area). At the request of the property owner, no Joshua trees will be removed, and individual juniper trees will be avoided where possible. Per the Habitat Restoration and Revegetation Plan submitted for Segments 2 and 3 under Mitigation Measure B-27b, APMs BIO-2 and BIO-7, revegetation will occur in Joshua tree and juniper woodland habitat areas impacted by use of the yard for erosion control purposes. Existing roads within the proposed yard are excluded from revegetation activities. To minimize visual impacts, disposal of cleared vegetation will abide by mitigations addressed in the Vegetation Removal and Excavation Debris Plan (MM V-1d, V-4d, V-1c, V-4c).

The proposed yard is mostly flat within the primary use area and slopes upward toward the east within the secondary use area. An ephemeral drainage occurs within the secondary use area. The drainage will be avoided as per Mitigation Measures B-3a, B-3b, and APM BIO-3. A 25-foot buffer from the edge of the drainage will be established with stakes, flags, and signs. In addition, erosion control measures and BMPs, required by the project SWPPP, will be employed to prevent any muddy runoff from leaving the site. Watering of the yard will be necessary as per the FDECP, but this watering is not expected to be of sufficient amount and duration to cause runoff. Erosion control measures and BMPs will be applied during wet weather as directed in the project SWPPP to catch runoff from sheet flow. Daily inspections of BMP placement and function will also be performed during clearing and grading activities.

Use of the proposed yard will not block access to local land uses or official recreation areas. The proposed yard is on land zoned as "Wind Park". The property is not being actively used for

agriculture. There are also no recreational uses on or near the property that would be affected by its use as a material and equipment storage yard.

The proposed yard is located within unincorporated Kern County. The Noise Control Ordinance in the Kern County Code (Section 8.36.020 et seq.) prohibits a variety of nuisance noises, but does not specifically mention construction or related noise. Additionally, the Final EIR/EIS prepared for the Project states on Page C.10-10 "there are no requirements in the Kern County Code that would be applicable to the proposed Project." The Oak Creek Energy Systems main offices area across the street and any noise restrictions included in the lease will be abided by. No other sensitive receptors are located within 300 feet that would require notification per Mitigation Measure N-1b. No noise impacts are anticipated by SCE as a result of use of the proposed yard.

Use of the proposed yard will result in short-term increases in construction traffic along Tehachapi Willow Springs Road up to the entry of the yard. The anticipated increase in traffic can be accommodated during the week due to the current low volume of traffic on Tehachapi Willow Springs Road. Any damage to Tehachapi Willow Springs Road resulting from use of the yard will be repaired as required under Mitigation Measure T-8.

Light receptors in the vicinity of the proposed yard include the Oak Creek Energy Systems, Inc. main offices across the street, which is not a sensitive light receptor. There are no residences within the vicinity of the yard. Any lights to be used at the yard shall be shielded from directing glare towards Willow Springs Road.

A Hazardous Substance Control and Emergency Response Plan (Segment 2 and 3) and a Waste Characterization Plan, have been prepared that include conditions pertaining to this yard.

- On June 18 and 19, 2009, biological surveys were conducted at the proposed laydown yard. Transects, approximately 60 meters apart, were walked from north to south and vice versa, throughout the entire site. The biological survey also included a 500 foot buffer around the site perimeter by two biologists walking approximately 45 feet apart. The site is located in California Juniper Woodland/Joshua Tree Woodland habitat. The dominant tree species are California Juniper (*Juniperus californica*) and Joshua tree (*Yucca brevifolia*) with an understory of dense perennial shrubs including rabbit bush (*Chrysothamnus nauseosus*), golden bush (*Ericameria linearifolia*), desert penstamen (*Penstamen incertus*) and Box thorn (*Lycium cooperi*). Perennial grasses on the site included feather grass (*Achnatherum (Stipa) speciosum*), blue grass (*Poa secunda*) and melica (*Melica imperfecta*). The ground cover consist of a variety of annual wild flowers including; Goldfields (*Lasthenia californica*), devil's lettuce (*Amsinkia tessalata*), coreopsis (*Coreopsis bigelovii*), rattlesnake weed (*chamaesyce albomarginata*), and filaree (*Erodium cicutarium*). One inactive passerine nest was located in a Joshua tree, and a California Quail (*Callipepla californica*) brood was observed on the western portion of the site. No sign of desert tortoise was observed onsite. No sign of sensitive or protected species were observed onsite. A shallow drainage was observed on the southeast portion of the property. A rivulet was also observed on the southeast portion of the site. An inactive burrow was observed on the northeast portion of the site. The burrow was adjacent to a cement manhole. The mouth of the burrow was approximately 8 inches high by 6 inches wide. An American badger (*Taxidea taxus*), could potentially utilize this burrow. There was no evidence of previous badger use.
- SCE submitted a report by Cogstone Resource Management Inc. titled TRTP Segment 3B Supplemental Survey for the Use of Oak Creek Energy Laydown Yard, Kern County, California dated July 2009. The record search determined that there are no recorded sites within the current project boundaries. Eight prehistoric sites have been located within one mile of the project area in addition to three historic sites within the one mile radius. Twenty-three prehistoric sites have been located within two miles of the project area in addition to four historic sites within the two mile

radius. Some 11 previous archaeological studies have been conducted within a one mile radius of the project; none are within the project boundaries. Some 18 previous archaeological studies have been conducted with a two mile radius of the project boundaries. The pedestrian survey of Oak Creek Energy Laydown Yard revealed one cultural resource, a historic trash concentration. It consists of cans and bottle typical of domestic trash. These items appear to date to between the 1930s and the 1940s. Isolated cans, both modern and historic, were found sparsely scattered in the project area. Based on these results, Cogstone believes the project area does not appear to contain significant historical archaeological resources. The artifact concentration, with a 50 foot buffer zone, should be flagged as an ESA (environmental sensitive area).

- Fueling at the Oak Creek Energy Laydown Yard is proposed; however, specific volumes of fuel to be stored on-site are unknown at this time. Fueling will take place from saddle tanks or fuel trucks with appropriate containment measures taken to avoid spills. Fuel trucks may be parked overnight and potentially more than 1,320 gallons of fuel or oil may be stored on site. Implementation of the condition noted below will ensure that any fuel storage on-site will be done in accordance with State regulatory requirements.

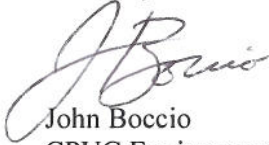
The conditions noted below shall be met by SCE and its contractors:

- A copy of the Lease Agreement between PG&E and the property owner shall be provided to the CPUC prior to use of the proposed yard.
- As identified in the Biology Mitigation Measures and Applicant Proposed Measures (APMs) in the EIR/EIS, SCE would assign Biological Monitors to the Project. They would be responsible for ensuring that impacts to special-status species, native vegetation, wildlife habitat, or unique resources would be minimized to the fullest extent possible. The Biological Monitor shall be on-site to monitor all work and will conduct sweeps of the approved areas, especially areas with high burrow concentrations which will be impacted. Monitors would flag the boundaries of areas where activities need to be restricted in order to protect wildlife including special-status species. These restricted areas would be monitored to ensure their protection during construction. This will include protecting species covered under the Migratory Bird Treaty Act (MBTA) and CDFG codes regarding the protection of nests and eggs. 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 with the approval of the CDFG and USFWS (as well as CPUC notification). 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.
- Biological survey sweeps shall be conducted and results submitted to the CPUC for review and approval prior to equipment and vehicles mobilizing into an area. After complete surveys have been submitted and approved by the CPUC, site occupation can occur; however, if occupation does not occur within seven calendar days of survey submittals, biological clearance sweeps shall be re-conducted prior to site occupation, including nesting bird surveys during the breeding season.
- A Biological Monitor shall be onsite during all mowing and/or other vegetation removal.
- Per Mitigation Measure B-4a, SCE shall photo document the number of Joshua and juniper trees removed during project construction and provide a letter report to the CPUC and CDFG at the conclusion of construction

- Per Mitigation Measure B-4b, CDFG and CPUC shall field verify temporary and permanent impacts to Joshua tree woodland and Juniper woodland habitat. SCE shall coordinate with CDFG and CPUC to acquire and ensure permanent protection of mitigation lands.
- An ephemeral drainage occurs within the secondary use area. The drainage shall be avoided as per Mitigation Measures B-3a, B-3b, and APM BIO-3. A 25-foot buffer from the edge of the drainage shall be established with stakes, flags, and signs. In addition, erosion control measures and BMPs, required by the project SWPPP shall be employed to prevent any muddy runoff from leaving the site.
- SCE shall consult with CDFG regarding desert tortoise mitigation and shall provide the CPUC with copies of correspondence prior to use of the laydown yard.
- If special-status plant or animal species are observed within the project area, the CPUC EM and CDFG shall be notified immediately.
- A Cultural/Archaeological Monitor shall be onsite during vegetation removal and other ground disturbing activities (i.e. minor grading, smoothing of ground). Unanticipated discoveries shall be treated in accordance with approved plans
- Per Cogstone's recommendation, the artifact concentration, with a 50 foot buffer zone, shall be flagged an ESA (environmental sensitive area).
- Prior to fuel storage on the subject site, a Fuel Storage Plan shall be submitted to CPUC for review and approval. The Plan shall specify method and location of fuel storage, volumes, demonstration of compliance with regulatory requirements regarding fuel storage, and spill containment and response measures. All fueling of equipment shall be conducted in approved refueling locations only.
- Any lights to be used at the yard shall be shielded from directing glare towards Willow Springs Road.
- If blade work for safety purposes does prove necessary, a site specific plan shall be created and approved by the CPUC prior to work.
- All project mitigation measures, compliance plans, and permit conditions shall be implemented during construction activities and use of the proposed yard spaces. Some measures are on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable.
- Welding and torch work activities are limited to emergency and mechanical needs only. Open flame activities that may be performed on this property shall have a water truck and fire watch present at all times.
- Copies of all relevant permits, compliance plans, and this Notice to Proceed shall be available on site for the duration of construction activities.
- Prior to the commencement of construction activities, all crew personnel including 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 occupation.
- No movement or staging of construction vehicles or equipment shall be allowed outside of the approved areas. If additional temporary workspace areas or access routes, or changes to construction technique or mitigation implementation to a lesser level are required, a Variance Request shall be submitted for CPUC review and approval.
- If construction debris or spills enter into environmentally sensitive areas, the jurisdictional agencies and CPUC EM shall be notified immediately.
- In the case of a hazardous materials spill, the CPUC EMs shall be immediately notified and an incident report shall be submitted to the CPUC within five (5) working days of the spill incident and shall include spill volumes and any resource damage that may have occurred.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Boccio", is written over the printed name.

John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen