STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor
PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

November 20, 2009

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

RE: SCE Antelope Transmission Project, Segment 3A – Variance Request #63

Dear Mr. Johnson,

On November 18, 2009, Southern Californian Edison (SCE) submitted a variance requesting to add a new wire setup site (WSS) near Construct 2, and relocate wire setup sites 26, 27, and 30 due to biological and cultural resources in Segment 3A of the Antelope Transmission Project in Kern County, California. **This Variance Request is approved by CPUC for the proposed activities based on the following factors:**

- SCE submitted the following information:

  Southern California Edison (SCE) is requesting a variance to add a new wire setup site (WSS) near Construct 2, and relocate wire setup sites 26, 27, and 30 due to biological and cultural resources. A new WSS 38B between Constructs 2 and 3 is being requested and is necessary to pull wire from Construct 2 to Bypass Structure 1. The existing access road will be used for setup as much as practicable, however, an additional area of 200 feet by 150 feet will be required to safely conduct wire stringing operations. Equipment on site will be both tracked and rubber-tired vehicles.

  Additionally, the approved WSS 30 between Constructs 23 and 24 is located within a previously identified cultural resource. The Contractor will not be able to avoid the resource as previously anticipated. SCE is requesting that the site be shifted 350 feet north of its current position within the right-of-way to accommodate avoiding the cultural resource. A portion of WSS 30 will still be located within the cultural resource 50 foot ESA buffer, but will be outside of the cultural resources site boundary.

  Lastly, the approved WSS 26 between Constructs 34 and 35 is located within an area containing various burrows. The burrows were biologically surveyed for Variance Request #58. No signs of burrowing owls were found at these burrows and therefore the site was approved. On November 6, 2009, during a site visit, it was observed that one of the burrows contained white wash and feathers indicating a burrowing owl. A later dusk survey was performed by biologist Dale Powell, and a burrowing owl was flushed from the burrow. SCE is requesting that this site be relocated to WSS 26B between Constructs 37 and 38. This shift, however, will subsequently require the relocation of WSS 27. The new WSS 27B is located between Constructs 31 and 32. This location contains a cultural resource on the eastern side of the site, however, the Contractor will remain outside of the staked Environmentally Sensitive Area (ESA) on the eastern side of the access road.

- **Biological Resources:** SCE submitted a report by Burns & McDonnell dated November 17, 2009 titled *Biological Clearance Survey for a Modified Sleeve Site, Two Newly Proposed Sleeve Site Disturbance Areas and a Newly Proposed Wire Stringing Site (WSS) for the Antelope Transmission Project, Segment 3A in Kern County, California.* On November 9, 12, and 16, 2009, biological clearance surveys for these disturbance areas were conducted by biologists with ECORP, BRC, and

Burns & McDonnell. The mapped disturbance area for the Sleeve Sites and WSS with a 500-foot buffer was surveyed for biological resources. These sites were not flagged in the field, so the biologists surveyed an approximate size and location. In addition, the presence of Joshua trees within the disturbance area and the surrounding buffer were noted for mitigation as required by the EIR (Mitigation Measure B-4). This species will be quantified following clearance surveys and just prior to vegetative clearing (number of removed and saved Joshua trees). In addition, LSA conducted preconstruction surveys of the right-of-way corridor in 2007 and 2008 (LSA 2007a-k, 2008a-e). Burns & McDonnell conducted a preconstruction burrowing owl survey in 2009.

Modified Disturbance at WSS 30
The survey area is located in Joshua tree woodland with elements of Mojave creosote scrub. Within the 500-foot buffer survey area, many potential burrowing owl burrows (*Athene cunicularia*) were found. No other sensitive resources were found. Joshua trees were located within the disturbance area and the 500-foot buffer area.

Additional Disturbance at WSS 26b
The survey area is located in habitat that was historically Mojave creosote scrub that was bladed and left fallow for many years. No sensitive resources were found. No Joshua trees were located within the disturbance area or the 500-foot buffer area.

Additional Disturbance at WSS 27b
The survey area is located in Joshua tree woodland with elements of Mojave creosote scrub. Within the 500-foot buffer survey area, one burrow with burrowing owl signs and one potential burrowing owl burrow with no signs were found. No other sensitive resources were found. Joshua trees were located within the disturbance area and the 500-foot buffer area.

Additional Disturbance at WSS 38b
The survey area is located in Joshua tree woodland. Within the 500-foot buffer survey area, one inactive cactus wren nest (*Campylorhynchus brunneicapillus*), one inactive raven nest (*Corvus corax*) and one potential desert tortoise burrow (*Gopherus agassizii*) were found. No other sensitive resources were found. Joshua trees were located within the disturbance area and the 500-foot buffer area.

No significant impacts to biological resources are anticipated with the implementation of the conditions noted below.

- **Cultural & Paleontological Resources**: The proposed additional disturbance areas at WSS 26B, WSS 27b, WSS 30 and WSS 38B were surveyed for cultural resources by ECORP Consulting, Inc. (Ahmet et al 2006) and Pacific Legacy (Way et al. 2008), and investigated for paleontological resources by Cogstone Resources Management (Scott and Gust 2008). The results of these investigations indicate that two cultural resources are located adjacent to WSS 27b and WSS 30. Cultural Resource AP3-113 is located along the eastern edge of WSS 27b, east of the TRTP access road. The cultural resource ESA will be avoided during wire activities. Crews will avoid impacting the resource by limiting activity to the west side of the TRTP access road. Neither construction crews nor equipment are permitted within the cultural resource ESA boundaries. The approved WSS 30 between Constructs 23 and 24 is located within a previously identified cultural resource. The Contractor will not be able to avoid the resource as previously anticipated. As a result, SCE proposes shifting WSS 30 by 350 feet north. The shift effectively relocates WSS 30 outside of the cultural resource boundary. However, WSS 30 will still be located partially within the cultural resource's 50 foot ESA buffer. SCE requests reducing the 50 foot ESA buffer on the north end of the cultural resource to allow wire stringing activities. No cultural resources were identified within or adjacent to

WSS 26b and 38b. No significant impacts to cultural or paleontological resources are anticipated with the implementation of the conditions noted below.

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

- ***Within seven calendar days of this variance approval, updated Segment 3A maps which illustrate all new and relocated WSS approved under this variance shall be issued to all necessary field personnel. Any eliminated WSS shall also be removed. If the updated maps are not issued by the specified date, all work within the WSS approved under this variance shall cease until such time the updated maps are issued.***

- 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.

- 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.

- Per Mitigation Measure B-4b, CDFG and CPUC shall field verify temporary and permanent impacts to Joshua tree woodland habitat. SCE shall coordinate with CDFG and CPUC to acquire and ensure permanent protection of mitigation lands.

- The potential burrowing owl burrows at WSS 30 shall be avoided. If avoidance isn't feasible, CDFG consultation and approval shall be provided prior to use of this WSS.

- CDFG and USFWS consultation shall be conducted regarding required desert tortoise fencing prior to entry into any WSS within potential desert tortoise habitat. A qualified biological monitor familiar with desert tortoise monitoring shall be on site during WSS activities.

- If special-status plant or animal species are observed within the project area, the CPUC EM and CDFG shall be notified immediately.

- If unanticipated cultural discoveries occur, work must halt in the immediate vicinity until the find can be evaluated by a qualified archaeologist to determine if it meets significance criteria under CEQA. The CPUC EM shall be notified immediately.

- 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. In addition, all disturbed areas shall be restored in accordance with approved restoration plans and permit conditions.

- 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. In addition, all approved access roads, spur roads and overland travel routes to be used shall be flagged prior to construction.

- If construction debris or spills enter into environmentally sensitive areas, the jurisdictional agencies and CPUC EM shall be notified immediately.

- Copies of all relevant permits, compliance plans, and this Variance shall be available on site for the duration of construction activities where applicable, including the variance request and maps.

Sincerely,

John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen