

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

January 18, 2010

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

RE: SCE Antelope Transmission Project, Segment 3A – Variance Request #67

Dear Mr. Johnson,

On January 15, 2010, Southern Californian Edison (SCE) requested a variance from Mitigation Measure B-27b and APMs BIO-2 and BIO-7 to preserve cut Joshua trees onsite instead of off-site disposal to the extent possible in Segment 3A, 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 from Mitigation Measure B-27b and APMs BIO-2 and BIO-7. This request is for the onsite disposal of Joshua trees to fulfill a request from the CPUC Environmental Monitors. Based on the request, SCE is seeking a variance from Mitigation Measures B-27b and APMs BIO-2 and BIO-7 to preserve cut Joshua trees onsite instead of off-site disposal to the extent possible. The current Habitat Restoration and Revegetation Plan (HRRP) site preparation includes the removal of debris and litter to approved off-site facilities.

The onsite disposal process of debris from Joshua trees has many potential variations. Factors that determine the best alternative in an area include the number of trees, the size of the trees, the terrain, potential damage to native vegetation, and necessary access to utility resources. Potential methods are listed below.

Leave as Felled – Trees and/or portions of trees may be permanently left as they lay. The debris must be located outside of the SCE roads and tower pads to maintain future access for maintenance activities. This method would be used in locations with low density trees already downed within native vegetation, where there is potential for more damage to sensitive resources, and where incidental damage to trees has taken place within the ROW due to wire stringing activities.

Scatter – All material would be removed from SCE roads and tower pads and scattered in a manner that will not create a potential fuel mass or fire hazard. Scattering may be conducted by hand or mechanically. Trees may be placed within the temporary disturbance footprint as long as they do not interfere with permanent access roads, tower pads, or pending construction activities. Care should be taken to scatter material in a manner to minimize damage to native vegetation and soils.

Off-site Disposal – Mechanical equipment would be used to remove trees from the project area and dispose of in approved facilities. Equipment will move logs from SCE roads and tower pads per specification (SCE 2008a and 2008b). Equipment will not drive into undisturbed habitat or impact sensitive resources. Joshua tree debris will not be staged in a way that would impact undisturbed habitat or sensitive resources.

Training will include avoidance and minimization measures discussed within the Segment 2 and 3 Final EIR with special concern for drainages, native vegetation, and other special status resources. These measures include:

- Site disposal should minimize direct impacts to resources from material and equipment access.
- Tree lay down areas are to avoid flagged resources, undisturbed habitat, and sensitive resources.
- Equipment and vehicle access should be limited to existing roads or graded areas. No equipment will be allowed to enter undisturbed habitat.
- Roads and tower pads will be kept clear of dispersed trees.
- Downed Joshua trees may be left within disturbance areas if their movement will lead to impacts to resources (i.e., identified cultural resource, active burrow and nests, etc.).
- Monitors will be present to help crews with all avoidance and minimization measures.

The procedure was developed at the request of the CPUC Environmental Monitors to preserve cut Joshua trees onsite instead of off-site disposal to the extent possible. Onsite disposal of Joshua trees will provide wildlife habitat, stabilize soils, and promote recolonization. Joshua trees that cannot be disposed of onsite will be removed to approved offsite facilities. Biological Monitors will be present to ensure appropriate measures are in place to avoid undisturbed habitat and impacts to sensitive resources.

- The proposed disposal methods for Joshua trees, as finalized based on CDFG comments, were provided to and approved by Dave Hacker, CDFG. No biological or cultural resources are anticipated to be impacted by these activities with the implementation of the conditions noted below.

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

- 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.
- 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