

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 18, 2011

Ms. Suzan Benz
Environmental Project Manager
Devers-Palo Verde No. 2 Transmission Project
6 Point Drive, 1st Floor
Brea, CA 92821-6320

RE: SCE Colorado River-Devers-Valley (DPV2) 500 kV Transmission Line Project – Variance Request #3

Dear Ms. Benz,

On July 12, 2011, Southern California Edison (SCE) requested a variance from the California Public Utilities Commission (CPUC) for offsite water locations to support the Desert Center 1 & 2 Construction Yards (NTP #1, DPV2 Construction Yards), DPV2 - 500 kV Transmission Line Project in unincorporated Riverside County.

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](#). The BLM issued a Record of Decision approving the Project on July 13, 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 areas requested under the variance request do not fall under BLM or Forest Service jurisdictions.

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 temporary changes to the project, such as the need for additional workspace, 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, and that no new impacts or increase in impact severity would result from the requested variance activities.

Variance #3 for offsite water locations to support the Desert Center 1 & 2 Construction Yards is granted by CPUC based on the factors described below.

SCE Variance Request. Excerpts from the SCE Variance Request, received July 12, 2011, and follow-up clarifications where relevant are presented below (indented) with CPUC additions in parenthesis and in bold:

The Desert Center 1 & 2 Construction Yards identified in Notice to Proceed (NTP) #1 dated June 23, 2011 includes requirements as part of the Fugitive Dust Emission Control Plan and Storm Water Pollution Prevention Plan (SWPPP) to water the site at least three times a day. In order to meet this requirement, the contractor has identified two offsite water sources.

For the Desert Center 1 & 2 Yards, a Riverside County owned well has been identified north of the yards, in the established community of Lake Tamarisk Desert Resort. Within the established community, the Riverside County owned and operated well is located adjacent to the Community Center within a brick structure. Also required is a temporary 12,000 gallon water tank to supply water to two 4,000 gallon water trucks. The water tank will be staged outside of the brick structure containing the well, on disturbed land adjacent to the parking lot. The contractor has approval from the County of Riverside to use the well and place the temporary water tank adjacent to the brick structure.

A biological survey was submitted July 15, 2011 which included the proposed water source areas. The report provided that "No active nests were found within 200-feet of the Desert Center water source. Two older, inactive nests were observed in ornamental olive trees (*Olea europaea*) approximately 100-feet north and northeast of the water source."

A Cultural Resource Assessment was submitted July 15, 2011 and provided "The project area consists of an existing well and graded area for the placement of the water tank. The use of the well and placement of the temporary water tank does not have potential to impact cultural resources. The water trucks transporting water to Desert Center 1 and 2 Yards will remain on existing roads. It is recommended that no further archaeological work is required. In the event of an unanticipated discovery, this area would be subject to the Plan of Discovery for the Material Construction Yards (Williams 2011).

CPUC Evaluation of Variance Request

In accordance with the MMCRP, the subject variance request was reviewed by CPUC to confirm that no new impacts or increase in impact severity would result from the requested variance activities. This review also included a visit of the subject site by the CPUC Lead Environmental Monitor (EM). The following discussion summarizes this analysis for biological, cultural, paleontological, and hydrological resources, sensitive land uses/noise, visual and other issue areas. A list of conditions is presented below to define additional information and clarifications regarding mitigation requirements. In some cases, these items exceed the requirements of the Mitigation Measures and Applicant Proposed Measures, and are based on specific site conditions and/or are proposed conditions by SCE.

Biological Resources. A biological survey was submitted July 15, 2011 which included the proposed water source areas. The report provided that "No active nests were found within 200-feet of the Desert Center water source. Two older, inactive nests were observed in ornamental olive trees (*Olea europaea*) approximately 100-feet north and northeast of the water source." CPUC biologists reviewed the request and added that in the event that the "inactive" nests documented during clearance surveys become "active", buffers in compliance with existing mitigation measures shall be established.

Hydrological Resources. No concerns noted under this variance.

Cultural and Paleontological Resources. A Cultural Resource Assessment was submitted July 15, 2011 and provided "The project area consists of an existing well and graded area for the placement of the water tank. The use of the well and placement of the temporary water tank does not have potential to impact cultural resources. The water trucks transporting water to Desert Center 1 and 2 Yards will remain on existing roads. In the event of an unanticipated discovery, this area would be subject to the Plan of Discovery for the Material Construction Yards (Williams 2011).

Visual. No concerns noted under this variance.

Sensitive Land Uses/Noise/Traffic. No concerns noted under this variance.

Other Issue Areas. No concerns noted under this variance.

Suzan Benz, SCE

DPV2 Project

Page 3

Conditions of Variance Approval.

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

1. All applicable project mitigation measures, APMs, compliance plans, permit conditions and conditions of NTP #1 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. Conduct biological monitoring in compliance with mitigation requirements. "Biological survey sweeps" are required to occur immediately preceding and during active construction as part of required biological monitoring activities. If any active bird nests are found, a Biological Monitor shall establish an appropriate 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 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. The Biological Monitor shall be responsible for documenting the results of the surveys and the ongoing monitoring. The buffer may be adjusted with the approval of CDFG and USFWS, and with prior knowledge of the CPUC.
4. In the event that the "inactive" nests documented during clearance surveys become "active", buffers in compliance with existing mitigation measures shall be established.
5. All crew members including water truck drivers shall be trained through an Environmental Worker and Environmental Awareness Program (WEAP) 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 WEAP 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.
6. In the event of an unanticipated archaeological discovery, the area would be subject to the Plan of Discovery for the Material Construction Yards (Williams 2011).

Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard

Billie Blanchard

CPUC Environmental Project Manager

Devers-Palo Verde No. 2 Transmission Project

cc: Mary Jo Borak, CPUC Program Manager
John Kalish, BLM Palm Spring South Coast Field Office

Suzan Benz, SCE

DPV2 Project

Page 4

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Jamie Miner, Aspen Environmental Group

Hedy Koczvara, Aspen Environmental Group

Ryana Parker, Southern California Edison Company

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