

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 9, 2012

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

RE: SCE Devers-Palo Verde No. 2 Transmission Line Project – Variance Request #17

Dear Ms. Benz,

On January 4, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for use of existing approved construction yard and/or exclusionary fencing water sources for transmission line construction needs for the Devers-Palo Verde No. 2 (DPV2) Transmission Project.

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](#).

After the CPUC's 2009 Decision regarding the PFM, several large solar power projects were proposed in the Blythe and Desert Center areas. SCE filed Permit to Construct applications addressing expansion of the Colorado River Substation and construction of a new Red Bluff Substation. These components were not covered in the original DPV2 Final EIR/EIS, because the solar power projects had not yet been proposed, and supplemental environmental review has been conducted. The Colorado River Substation Expansion and the Red Bluff Substation were both approved by the CPUC on July 14, 2011 in Decisions D.11-07-011 and D.11-07-020, respectively.

The BLM issued a Record of Decision approving the Project on July 19, 2011 and approved exclusionary fencing activities on August 23, 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 area requested under this variance does not fall under Forest Service jurisdiction.

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 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 #17, which approves the transmission line water sources, is granted by CPUC for the proposed activities based on the factors described below.

SCE Variance Request. SCE has requested a variance for the transmission line activities identified in Notices to Proceed #8, #9 and #10 for water locations along the Colorado River-Devers and Devers-Valley segments. Excerpts from the SCE Variance Request, received January 4, 2012, are presented below (indented):

The transmission line contractor may need to utilize certain existing approved project construction yard water sources for transmission line construction.

SCE requests a variance to allow the use of existing approved construction yard and/or exclusionary fencing water sources for transmission line construction needs. These approved sources may include those approved for the Blythe, Desert Center, Chiriaco Summit, Indio 1, Indio 2, Devers 1, Devers 2, Beaumont 1, Beaumont 2, Perris, and Menifee construction yards, and/or the 2 additional sources approved for previous exclusionary fencing work.

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. The following discussion summarizes this analysis for biological resources, cultural resources, noise/sensitive receptors, 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. The water sources have been previously reviewed in the field and approved under Variances #3 (Desert Center 1 and 2) #7 (Perris, Beaumont, Blythe and Menifee Yards), #10 (Devers and Summit), #11 (Exclusionary Fencing) and Notices to Proceed #3 (Beaumont 2), #4 (Indio 1) and #11 (Devers 2 and Indio 2).

All mitigation measures, APMs, and conditions of the Biological Opinion (BO) should be implemented along the water haul routes. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist, pre-construction clearance sweeps, and maintaining speed limits.

Cultural Resources. The water sources are existing and would also be accessed via existing roadways by truck. All trucks will remain on existing roads and no ground disturbance is required. Therefore, there are no specific cultural resources conditions applicable to this variance.

Noise/Sensitive Receptors. Use of the existing yard and exclusionary fencing water sources would have similar noise-generating activities to those that will occur for use at the construction yards and exclusionary fencing work areas. In addition, the contractors would be accessing existing fire hydrants and the overall scope and duration of construction activities has not changed as a result of the variance.

Paleontological Resources. Based on the Paleontological Monitoring and Treatment Plan, submitted to the California Public Utilities Commission on April 20, 2011, the potential to encounter paleontological resources within the identified offsite water sources is low. In addition, no ground disturbing activities will be required. Therefore, there are no specific paleontological resources conditions applicable to this variance.

Water Resources. For overhead transmission line construction, SCE would utilize existing fire hydrants that have already been approved for yard and/or exclusionary fencing activities. There would be no ground disturbance or new impervious surfaces required under this variance and overall water usage

would not change. Water would be obtained from water agencies and no additional groundwater would be utilized. Therefore, there are no specific water resources conditions applicable to this variance.

Other Issue Areas. No concerns noted under this variance.

Conditions of Variance Approval.

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

1. All applicable project mitigation measures, APMs, conditions of the Biological Opinion, compliance plans, permit conditions and NTP conditions 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. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
4. All crew members shall be Safe Worker and Environmental Awareness Program (SWEAP) trained 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 SWEAP 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.

Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard
CPUC Environmental Project Manager
DPV2 Transmission Project

cc: Ryana Parker, Southern California Edison
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